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9	PUBLIC HEARING
10	Draft Programmatic EIS Mountaintop Mining/Valley Fills in Appalachian
11	Charleston, West Virginia July 24, 2003
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16	Evening Session: 7-11
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1 APPEARANCES: 2 Mark A. Taylor, Chairman, US Army Corps of Engineers Jeff Coker, Office of Surface Mining Mitch Snow, U.S. Fish & Wildlife Service 5 Russell Hunter, WV Dept. of Environmental Protection William J. Hoffman, US-EPA 7 Katherine Trott, U.S. Army Corps of Engineers 9 10 11 12 13 14 15 The Corps of Engineers, U.S. 16 Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Office of Surface Mining, and 17 West Virginia Department of Environmental Protection, 18 19 joint public meeting was held at 7:00 p.m., July 24, 2003, at the Charleston Civic Center, Charleston, West Virginia before Michele G. Hankins, 21 22 Court Reporter. 23

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- 1 PROCEEDINGS
- 2 MR. CHAIRMAN: Good evening.
- I would like to welcome you here to the
- 4 public hearing on the draft Mountaintop Mining
- 5 Programmatic Environmental Impact Statement.
- 6 We will begin with some general
- 7 information about the facilities here.
- 8 This is a non-smoking facility. We ask
- 9 that you go outside the building to smoke.
- 10 Please note the location of the
- 11 emergency exits. In the event of an emergency,
- 12 proceed in an orderly fashion as quickly as possible
- 13 to the nearest exits from the building.
- 14 The restrooms for the facility are
- 15 located out the back doors here; to the left, and
- 16 then to the left again.
- 17 Approximately every hour, or so, during
- 18 the course of the hearing, we will call for a
- 19 five-minute comfort break.
- 20 Hopefully, this will provide sufficient
- 21 opportunity for everyone to take a break, and no one
- 22 will need miss what is said here today.
- 23 As you entered the forum, you had to
- 24 have noticed the registration table. We hope that

- 1 everyone registered as you came in.
- 2 If by some chance you didn't, we ask
- 3 that you take a moment to register before you leave.
- 4 People will no doubt be coming and going throughout
- 5 the hearing, and this is the only way that we have to
- 6 get a reasonable, accurate idea of the public
- 7 participation at these hearings.
- 8 Even more importantly, if you came here
- 9 today with the intent of speaking at the hearing, you
- 10 must complete a registration card.
- If you plan to speak and haven't already
- 12 registered, please go back and register as a speaker
- 13 now.
- 14 If there is anyone who cannot come up on
- 15 the podium to speak, please motion for me, and I will
- 16 be sitting here at the table and I will bring a
- 17 wireless microphone down to the front of the stage.
- 18 Let us all be courteous to the speakers
- 19 by turning off our cell-phone ringers, and be
- 20 respectful of the speakers, regardless of their point
- 21 of view.
- 22 Everyone's point of view is important,
- 23 and in fairness to all points of view, please respect
- 24 each speaker up here this evening.

1 With that said, let's move to a more

- 2 substantial part of the public hearing.
- 3 As you may well know, as part of the
- 4 December 1998, Settlement Agreement, the agencies
- 5 represented here on stage today, agreed to
- 6 participate in the preparation of a Programmatic
- 7 Environmental Impact Statement, on the impact of
- 8 mountaintop mining and their associated valley fills.
- 9 The purpose of this Programmatic EIS, as
- 10 specified in the settlement agreement, was:
- ". . . to consider developing agency
- 12 policies, guidance, and coordinated agency
- 13 decision-making processes to minimize, to the maximum
- 14 extent practicable, the adverse environmental effects
- 15 to waters of the United States, and to fish and
- 16 wildlife resources, affected by mountaintop mining
- 17 operations, and to environmental resources that could
- 18 be affected by the size and locations of excess spoil
- 19 disposal sites in valley fills."
- In the time period since the settlement
- 21 agreement, the agencies have diligently worked on the
- 22 EIS. The agencies' efforts accumulated in the
- 23 development and release of this draft EIS document
- 24 for public review on May 29th.

1 The usual review period for a draft EIS

- 2 is 45 days.
- 3 However, recognizing the widespread
- 4 interest in the document, and the need to provide
- 5 additional time for the public work their way through
- 6 the complexities of its content, we have extended the
- 7 time frame for review and comment.
- 8 A 90-days public review period, and
- 9 comment period, will close at the end of business on
- 10 August 29, 2003.
- 11 This is the second of two public
- 12 hearings in association with the development of this
- 13 document.
- 14 The purpose of these hearings is to hear
- 15 your comments on the draft EIS.
- We cannot respond to your comments
- 17 during the hearing.
- 18 Your comments will be transcribed, and
- 19 we will respond to them in writing as part of the
- 20 final EIS.
- 21 We are here today to listen to you. To
- 22 hear what you have to say relevant to the continued
- 23 development of the EIS document.
- 24 We recognize that many organizations,

- 1 and individuals, want to comment. So we have
- 2 structured these sessions to offer as many as
- 3 possible the opportunity to do so.
- 4 This session runs from 7 to 11 p.m.,
- 5 this evening. So we may be sure that we have
- 6 provided everyone who may choose to speak an
- 7 opportunity to do so, we must limit your speaking
- 8 time to five minutes.
- 9 Some of you may have more comments than
- 10 can be addressed in five minutes.
- If so, you are encouraged to submit
- 12 these additional thoughts and comments in writing.
- 13 You do not need to speak here tonight to
- 14 submit comments.
- You may submit written comments to
- 16 Mr. John Forren, U.S. EPA, 1650 Arch Street,
- 17 Philadelphia, Pennsylvania, 19103, through the close
- 18 of the comment period, on August 29, 2003.
- 19 This address is located on the flyer
- 20 that you received at the registration table.
- 21 We have also provided a comment box at
- 22 the registration table.
- 23 If you choose to, you may place your
- 24 written comments on the draft EIS, in that box, and

1 we will see that they are considered, along with the

- 2 other written and oral comment.
- 3 As we continue with today's public
- 4 hearing, we would like to take a few minutes to make
- 5 you aware of some of the ground rules for this
- 6 hearing, and describe how we intend to proceed.
- 7 As indicated on the sign-in into
- 8 building, for safety reasons, and so that all of the
- 9 participants can see at the public hearing, we have
- 10 asked that everyone please refrain from bringing in,
- 11 or displaying signs, banners, or posters, into the
- 12 building.
- We ask that you please be courteous as
- 14 others are speaking, and refrain from expressions of
- 15 support, or opposition, to comments a speaker is
- 16 making.
- 17 One of the things that I noticed, when
- 18 you applaud for a speaker, in the earlier sessions
- 19 today, you take away from their time, let's please
- 20 not do that.
- 21 As we proceed through the hearing, if
- 22 you have a need, for whatever reason, to reference
- 23 the draft EIS, or appendices, copies of these
- 24 documents are available for reference in the foyer,

- 1 entrance way.
- 2 Also, if you did not already receive a
- 3 CD version of the draft EIS document, a limited
- 4 number of CD's of the draft document are available at
- 5 the reference table at a first-come, first-serve
- 6 basis.
- 7 If we run out, and you would like to
- 8 receive a copy of the CD, you may also leave your
- 9 name, and address, with the person at the reference
- 10 desk, and a CD of the draft document will be mailed
- 11 to you.
- 12 As previously stated, in order to speak
- 13 at this hearing, you must register at the
- 14 registration desk in the foyer, or the entrance way
- 15 indicating your desire to speak.
- 16 If you did not come here intending to
- 17 speak, but change your mind during the course of the
- 18 hearing, you, too, must register at the registration
- 19 desk.
- Our planned five-minute comfort break,
- 21 approximately every hour, should provide an
- 22 opportunity for you to register to speak, if you
- 23 haven't already done so.
- 24 You may not register to speak, and then

1 give any portion of your speaking time to anyone

- 2 else.
- If you speak, and do not take the full
- 4 five minutes allotted, we will proceed with the next
- 5 speaker on the list.
- 6 No one person may speak more than once.
- 7 We will be calling out the names of those people who
- 8 signed up to speak in the order of which we received
- 9 them.
- I will announce each person, as well as
- 11 the next name.
- 12 In order to keep things moving as
- 13 efficiently as possible, as a speaker is coming up on
- 14 the podium to speak, the next person to speak is
- 15 asked to move towards the podium, and sit here at the
- 16 bottom of the stairs.
- 17 Again, you must limit your comments to
- 18 no more than five minutes.
- 19 At the four-minute mark, we will hold up
- 20 a card indicating that you have one minute remaining,
- 21 so that you can begin winding up your comments.
- In fairness to everyone who wishes to
- 23 speak, when we hold up the card indicating that your
- 24 time has expired, please end your comments.

1 If you have more comments, or just want

- 2 to submit written comments, you may place them in the
- 3 box at the registration table that was provided for
- 4 receiving written comments, or mail them to the
- 5 previously identified EPA Philadelphia address.
- 6 Again, all comments will be transcribed.
- 7 We ask those that are speaking to please
- 8 speak clearly, loudly enough to be heard, and be
- 9 mindful of the fact that the transcriber is trying to
- 10 catch everything you are saying.
- 11 Also, please direct the microphone
- 12 towards you, it is kind of directional, so please do
- 13 that, each person that comes up.
- 14 If the transcriber is having difficulty
- 15 hearing, or understanding what you are saying, they
- 16 may stop you, and ask you to speak up or repeat what
- 17 you have said.
- 18 We ask that you begin speaking by
- 19 clearly stating your first and last names, and
- 20 indicating the community, and state that you are
- 21 from.
- 22 When transcribed, the oral comments and
- 23 written comments will be incorporated into a Comment
- 24 Summary Document, and will be a part of the final EIS

- 1 document.
- 2 All comments will be considered in
- 3 development of the final EIS document.
- 4 Copies of the Comment Summary Document
- 5 will be available upon request in association with
- 6 the publication of the final EIS document.
- 7 Again, I would like to emphasize that we
- 8 all be courteous to the speakers.
- 9 The first speaker tonight is
- 10 Mary Ellen O'Farrell.
- 11 The second speaker will be
- 12 Chris Hamilton.
- 13 If you all would like to come on
- 14 forward.
- While they are doing that, I will ask
- 16 that each of the agency representatives up here at
- 17 the table to please introduce themselves.
- 18 MR. COKER: I am Jeff Coker with the
- 19 Office of Surface Planning.
- 20 MR. SNOW: Mitch Snow. U.S. Fish &
- 21 Wildlife Service.
- 22 MR. HUNTER: I am Russ Hunter with the
- 23 West Virginia Department of Environmental Protection.
- 24 MR. HOFFMAN: I am Bill Hoffman, with

- 1 the Environmental Protection Agency.
- 2 MS. TROTT: Catherine Trott, with the
- 3 Corps of Engineers.
- 4 MR. CHAIRMAN: Thank you.
- 5 MS. O'FARRELL: Good evening.
- 6 My name is Mary Ellen O'Farrell.
- 7 I have lived almost all my life here in
- 8 Charleston. I am a native West Virginia.
- 9 This year, I am the President of West
- 10 Virginia Environment Council, and I consider myself
- 11 an environmental extremist.
- 12 I cannot claim to represent the points
- 13 of view of everyone in the Environmental Council, but
- 14 I think the ideas that I will present, are certainly
- 15 understood by the membership of the Environment
- 16 Council.
- 17 I think the most silent fact about
- 18 mountaintop removal mining, as it is practiced in our
- 19 state, is that in our state alone -- according to
- 20 current practices -- over 900 miles of mountain
- 21 streams and waters have been destroyed.
- This is morally indefensible.
- 23 Coal mines do not have the right to
- 24 squander the future of our children.

1 Our children and grandchildren will

- 2 depend on these waters for health, for beauty, for
- 3 recreation, and perhaps for life itself.
- In the Middle East, people are murdering
- 5 each other over water rights.
- 6 In the western states, in our country,
- 7 people are in court over water rights.
- 8 This is only going to get worse.
- 9 God has blessed our state richly with
- 10 abundant waters.
- 11 What will we say to our children when
- 12 they ask us why we allowed this squandering to take
- 13 place? We can say, Honey, I'm sorry, but the Coal
- 14 Association said that it just had to be this way.
- Or maybe we could answer, Yes, it is a
- 16 shame, but Massey said that it would be so much
- 17 harder to do it any other way.
- 18 Mountaintop removal mining, as it is
- 19 currently practiced in our state, is obscene. It is
- 20 a blasphemous sacrilegious offense against this world
- 21 that God has made.
- Thank you very much for these five
- 23 minutes.
- MR. CHAIRMAN: Chris Hamilton.

1 And then after Mr. Hamilton,

- 2 Scott Gollwitzer.
- 3 MR. HAMILTON: Good evening.
- I am Chris Hamilton. Vice President of
- 5 the West Virginia Coal Association.
- 6 Lifelong resident of West Virginia, and
- 7 I currently live in Charleston here.
- 8 I speak to you tonight to urge the
- 9 adoption and implementation of Alternative 3, which
- 10 contemplates a mine permitting process, which is
- 11 based on the idea that all proposed mining permits
- 12 are considered Nationwide Permit 21.
- 13 Central to this alternative approach,
- 14 the overall permitting responsibility, rests with the
- 15 state's SMRCA agency. This is the best possible
- 16 strategy, to maximize efficiencies among government
- 17 agencies, and within the mine permitting process
- 18 itself.
- 19 We maintain that matters involving
- 20 administrative control, accountability, and
- 21 consistency, are also optimized through this
- 22 approach.
- 23 Furthermore, the alternative benefits,
- 24 for all parties involved, being government, citizens'

1 groups, coal miners, alike, here in West Virginia.

- 2 Before proceeding further with my
- 3 specific remarks, I would like to first of all
- 4 compliment all four Federal agencies, and the State
- 5 agency, for a job well done.
- 6 In large measure, due to your diligence
- 7 and professional approach with this comprehensive
- 8 study, we now have a document before us that provides
- 9 the needed scientific evidence, and regulatory
- 10 justification to assure that West Virginia's coal
- 11 industry, will remain a viable part of the country,
- 12 and the world's energy mix.
- The EIS, as drafted, will also assure
- 14 that thousands of West Virginia coal miners are
- 15 earning a living here, put their children through
- 16 school, food on the table, and continue to work and
- 17 live in our mountain state.
- 18 Incidently, they also hunt, and fish,
- 19 and enjoy all of the recreational benefits that we
- 20 have.
- 21 We support the draft EIS. We believe it
- 22 embraces current regulatory, and compliance
- 23 programming.
- 24 It clearly upholds existing extraction

1 technologies, and recognizes that they're minimal and

- 2 temporary impacts can be adequately addressed.
- Finally, it recognizes that you can
- 4 develop your energy-rich resources and tourism
- 5 industries, while maintaining a high level of
- 6 environmental laws.
- 7 Under the third alternative, which we
- 8 advocate, the program and agency best qualified and
- 9 situated to review and issue mining permits, would
- 10 finally be empowered to do so.
- 11 The State's SMRCA authority, has the
- 12 expertise to train personnel, and most importantly,
- 13 the practical, on-the-ground knowledge of mining in
- 14 West Virginia, that qualify them as the most logical
- 15 agency to lead the permitting process.
- 16 Under Alternative 3, these attributes
- 17 are finally quantified by Federal agencies, realizing
- 18 that West Virginians are best suited to make
- 19 decisions that affect the future environmental state,
- 20 as well as the state of the local statewide economies
- 21 here in West Virginia.
- 22 In fact, the only real difference that
- 23 we ascertained between Alternative 2, which tends
- 24 to -- at least it appears for them to say -- be the

1 government's preferred outcome -- and Alternative 3,

- 2 which the coal industry is advocating, is the
- 3 consolidation of permitting authority under the
- 4 State's SMRCA agency.
- 5 All of the environmental process
- 6 benefits, such as fill minimization, the development
- 7 of reforestation guidelines, enhanced flooding
- 8 evaluation procedures, will continue, if Alternative
- 9 3, is implemented.
- 10 If one considers the technical
- 11 complexity of this SMRCA permit application, and
- 12 regulatory review in conjunction with the findings of
- 13 the EIS, implementation of Alternative 3, is clearly
- 14 the logical conclusion.
- The SMRCA process in and of itself, is
- 16 one of the most detailed and complex environmental
- 17 regulatory reviews in existence.
- 18 The State of West Virginia has added
- 19 details and complex rules to its mine regulatory
- 20 program, that clearly exceeds corresponding mining
- 21 Federal regulations, or any other approved program
- 22 found in any other place, or any other jurisdiction.
- 23 More detailed data collection and
- 24 analysis is required of the mine applicant of West

- 1 Virginia.
- 2 Clearly, we have the most complex
- 3 determination process that exists anywhere in the
- 4 nation.
- 5 We have equally demanding requirements
- 6 with respect to flood control, post-mine land use,
- 7 valley fill construction, bond-release applications,
- 8 and many other areas and aspects of State law that
- 9 are too numerous to mention.
- 10 The state-issued SMRCA permit,
- 11 especially as administered in West Virginia, is so
- 12 detailed and full of environmental analysis, that it
- 13 clearly is the equivalent of an individual Section
- 14 404 permit.
- In closing, I would just like to say --
- 16 AUDIENCE MEMBER: Your time is up.
- MR. HAMILTON: Choose the third
- 18 alternative.
- Thank you.
- 20 MR. CHAIRMAN: Mr. Scott Gollwitzer.
- The next speaker will be Larry Emerson.
- 22 Larry Emerson.
- MR. GOLLWITZER: Can you hear me?
- 24 It is a rhetorical question actually

- 1 because you never listen.
- 2 My name is Scott Gollwitzer.
- 3 Where I am from is irrelevant. I am a
- 4 citizen of this country, and this is a public
- 5 meeting, and I am going to speak.
- 6 Looking at you, it is great to see five
- 7 agencies, four Federal and one State agency.
- 8 You are not separate, though, you are
- 9 the same. We have a term for that that is building
- 10 in the environmental community, it is called the
- 11 ammendustry.
- 12 This refers to the inexplicable ties
- 13 between the Bush Administration and his campaign
- 14 contributors.
- I just wanted to thank you, and bring
- 16 that to your attention.
- I am not here tonight to critique the
- 18 EIS. It is not my function here tonight. Nor am I
- 19 here to discuss the various human rights violations
- 20 and devastating environmental impacts of mountaintop
- 21 removal.
- People who are going to speak after me,
- 23 will share those thoughts with you and I ask you to
- 24 listen to them.

1 Tonight I am here to remind you each on

- 2 the panel of what your responsibilities are.
- 3 To do this, let me begin by reminding
- 4 you of what your responsibilities are not.
- 5 You are not here to do the bidding of
- 6 the ammendustries, nor are you West Virginia's
- 7 Economic Development Commission.
- 8 We heard lots of talk this afternoon
- 9 about the economic impacts of your polices; that is
- 10 not your function.
- It is not to dismiss, on my part, the
- 12 economic problems in West Virginia. I am not here to
- 13 do that, I feel for the gentleman who spoke earlier
- 14 about EPA putting him out of work several times.
- I would have to say that because of my
- 16 employment -- and that is as an attorney for an
- 17 environment group -- the EPA is keeping me employed
- 18 by the same token.
- I wish they would stop.
- 20 So back to reminding you of what you are
- 21 supposed to be doing.
- 22 You are each charged under very unique
- 23 environmental laws with protecting human health, and
- 24 the environment, period.

1 That is what you are charged to do.

- 2 As you listen to these folks articulate
- 3 their stories of devastation and human rights
- 4 violations, and injustices, I ask each of you to
- 5 reassess your current role in keeping these
- 6 injustices upon these people, and destroying the
- 7 environment upon which they depend, and the
- 8 environment in which they live.
- 9 Please do all that you can tonight, and
- 10 in the future to end this eco-terrorist act.
- 11 Thank you.
- MR. CHAIRMAN: Larry Emerson.
- E-M-E-R-S-O-N.
- MR. EMERSON: That would be me.
- MR. CHAIRMAN: The next speaker will be
- 16 Bill, I am going to spell it, G-O-R-Z.
- MR. EMERSON: Thank you.
- 18 My name is Larry Emerson.
- 19 I live in the Charleston area.
- I am the Director of Environmental
- 21 Performance for Arch Coal, Inc., the second largest
- 22 producer of steam coal in the country.
- I have worked in the coal mining
- 24 industry for nearly 25 years, most of that time has

1 been working directly on reclamation reforestation

- 2 and habitat restoration projects, primarily in the
- 3 southern part of the state.
- 4 I would like to make four specific
- 5 points related to the terrestrial components of the
- 6 EIS.
- 7 The EIS correctly points out what we, in
- 8 the regulated community, have understood for several
- 9 years, and that is that the existing SMRCA
- 10 revegetation rule, were developed primarily to
- 11 control erosion, and less so for successful tree
- 12 growth.
- The emphasis on erosion control is now
- 14 changing and new methods are being developed to meet
- 15 the challenge of soil compaction, and composition,
- 16 competition with nervacious cover, and other issues,
- 17 that directly influenced successful tree growth.
- The coal industry is committed to
- 19 effective and practical methods of improving
- 20 reforestation success.
- 21 As evidenced by many privately funded
- 22 research and demonstration projects currently
- 23 underway.
- 24 For example, the National Mine Land

1 Reclamation Center in Morgantown, in cooperation with

- 2 Cantennary Coal, and Arch Coal, is currently
- 3 conducting field demonstrations to develop
- 4 cost-effective methods of utilizing various soil
- 5 horizons, and native-tree species, to establish
- 6 productive forests on reclaimed sites.
- 7 However, the agencies, and the public,
- 8 must understand that there are some landowners who
- 9 wish to have other land uses for their property after
- 10 the mining is complete.
- 11 Landowners wishes must be given some
- 12 difference.
- To the extent that landowners desire
- 14 forest land on the reclaimed property, the industry
- 15 stands ready to help develop the rules and
- 16 techniques, that will achieve that objective.
- 17 Point two: One of the studies in the
- 18 EIS examine tree succession on reclaimed sites, by
- 19 counting the number of stems within measured sections
- 20 of reclaimed sites.
- 21 The results of the study concluded that
- 22 tree succession was limited to areas immediately
- 23 adjacent to undisturbed woodlands. However, there is
- 24 a significant short-coming in the study design as

- 1 indicated in Appendix E, and I quote:
- 2 "The mine area studied was not designed,
- 3 engineered, reclaimed, or revegetated with the
- 4 post-mining land use of forestry, commercial or
- 5 otherwise."
- 6 Therefore, the conclusions drawn from
- 7 this study might be tempered with the fact of sites
- 8 examined were never intended to be forest land.
- 9 So my question is whether this really is
- 10 an objective study design.
- 11 Point number three: In September 1996,
- 12 the U.S. Fish and Wildlife Service concluded formal
- 13 consultation with OSM, pursuant to Section 7 of the
- 14 Endangered Species Act, of mountaintop mining
- 15 operations in the studied area.
- 16 This programmatic consultation led to
- 17 the issuance by the Fish and Wildlife Service of a
- 18 biological opinion and conference report, that found
- 19 surface coal mining and reclamation operations,
- 20 inducted in accordance with properly implemented
- 21 State and Federal regulatory programs under SMRCA,
- 22 would not likely jeopardize the continued existence
- 23 of the listed, or proposed species, or result in the
- 24 adverse modification of designated, or proposed

- 1 critical habitat.
- We understand that the EPA is currently
- 3 in the process of writing a biological assessment,
- 4 relative to the preferred alternative in the EIS.
- 5 The industry encourages the EPA to
- 6 develop this biological assessment consistent with
- 7 the Service's opinion, and allow public comment on
- 8 this document before implementing it in their
- 9 enter-agency coordination efforts.
- 10 Point four: Ron Canterbury, a scientist
- 11 at the Southern West Virginia Bird Research
- 12 Institute, has done significant long-term research on
- 13 migratory neo-tropical birds in the studied area,
- 14 particularly in the southern West Virginia coal
- 15 fields.
- In fact, \$4 million in experts, have
- 17 indicated that his research represents the most
- 18 comprehensive information of this geographic area.
- Dr. Canterbury's work has shown no
- 20 worthy increases in some, or more, species, in and
- 21 around older mine sites. In part, because of the
- 22 early successional nature of vegetation.
- 23 In short, the panel should take a broad
- 24 view of the migratory bird issues and consider that

1 reclaimed sites play an important role in some

- 2 species.
- In summary, the industry supports
- 4 Alternative 3, and I thank you.
- 5 MR. CHAIRMAN: First off, I want to
- 6 apologize beforehand before I butcher too many
- 7 people's names. I will do the best I can on them.
- 8 Bill Gorz?
- 9 MR. GORZ: Gorz.
- 10 MR. CHAIRMAN: Okay, thank you.
- 11 Then the next speaker will be
- 12 Nick Carter, or Carver?
- MR. GORZ: Good afternoon.
- 14 My name is Bill Gorz.
- I am from Asheville, North Carolina,
- 16 western North Carolina.
- 17 The reason that I am here today so far
- 18 away from my home, is that this is not a local
- 19 issue.
- The fact is, mountaintop removal is not
- 21 limited to West Virginia, and it is spreading all
- 22 over the southern appalachians, particularly into
- 23 Kentucky, and Tennessee.
- 24 Where it affects people that live in my

- 1 area.
- 2 Pollutions from the Tennessee Valley
- 3 Authority of East Tennessee Coal Plan, is killing the
- 4 Smokey Mountain National Park.
- 5 The American Lung Association has
- 6 determined that over 6,000 people a year, died from
- 7 pollution-related respiratory disorders in western
- 8 North Carolina alone.
- 9 I am very sure that sort of specific is
- 10 not limited to the western North Carolina area.
- 11 A large portion of those 6,000 deaths
- 12 can be directly attributed to obsolete coal plants.
- 13 Recently, the Tennessee Valley Authority
- 14 announced that because of their new anti-pollution
- 15 technology, which they had to put in because the EPA
- 16 sued them, and they were facing large fines, more
- 17 than any of you here make every year, every day,
- 18 because of the pollution.
- 19 They put in new anti-pollution
- 20 technology, we all thought that was going to be
- 21 great, but then they decided that they could use
- 22 cheap high-sulphur coal from the Cumberland Plateau
- 23 and that wouldn't overcome the pollution limits.
- 24 So instead of lowering pollution, and

1 lowering those 6,000 deaths a year, they are opting

- 2 instead to increase their profits.
- We have to wonder why Federal agencies
- 4 would be interested in their profits. They are not
- 5 in the profit-making industry.
- 6 Certainly, the coal industry is all
- 7 about profits.
- 8 They know about the American Lung
- 9 Association's statistics. They don't care about
- 10 people, they just care about profits.
- 11 Again, the reason why I am here, and
- 12 what this has to do right here and now, is that if we
- 13 allow this project to go forward, it will just
- 14 encourage the industry to expand to other areas.
- I was rather surprised -- I guess I
- 16 shouldn't have been surprised -- that on the EIS
- 17 there was no option for no mountaintop removal, which
- 18 there should be, in my opinion.
- 19 There has been lots of talk about jobs,
- 20 with little thought, or no thought given to what the
- 21 social costs of what those jobs are.
- 22 Pimps and crack dealers provide jobs
- 23 too, but we generally oppose those jobs because of
- 24 the social costs.

1 Let's think about the social costs of

- 2 the jobs that are provided.
- 3 Thank you.
- 4 MR. CHAIRMAN: Nick Carter.
- 5 The next speaker will be John Snider.
- 6 MR. CARTER: My name is Nick Carter.
- 7 I am president and chief operating
- 8 officer of Natural Resource Partners.
- 9 I live and work in the Huntington,
- 10 Tri-State area. We are a publically mastered limited
- 11 corporation that owns and manages coal and timber
- 12 products.
- I also serve as the president of the
- 14 National Council of Coal Resource, which is a trade
- 15 association for companies like mine.
- The EIS seems to assume, without
- 17 detailed analysis, that coal companies that permit
- 18 and mine coal have the ability to control and utilize
- 19 the properties after mining is completed.
- This assumption is incorrect.
- 21 In only a small percentage of cases do
- 22 coal companies that mine the minerals own the land
- 23 that it mines.
- In nearly all cases, the coal company

1 leases the mineral from a company like ours, or from

- 2 a family, or from heirs to the property.
- 3 These leases give the mining company the
- 4 right to occupy the land for the purpose of the
- 5 lease, which is the extraction of the mine.
- 6 Many of these leases expire
- 7 automatically when the mineral has been mined.
- 8 An additional problem, what does not
- 9 seem to have been considered by the EIS, is that most
- 10 of the land where the mineral is being mined, is not
- 11 controlled by only one owner.
- 12 For example, in many -- maybe most
- 13 cases, the owner of the mineral does not own the
- 14 surface, may not own the oil and gas, and even if it
- 15 owned the surface, may not own the timber, or the
- 16 trees that are growing on the property.
- Most mines today are not on a single
- 18 property owner, and the company has leases from
- 19 various owners. They may have as many as 30 to 50
- 20 leases to make up one mining block.
- 21 Additionally, the mining company must
- 22 reach agreement under the law, with all of the
- 23 surface owners above the mineral that they mine.
- 24 This may be many different -- many more different

- 1 owners.
- 2 The actual mineral owners consist of
- 3 corporations, partnerships and individuals who have
- 4 amassed their mineral holdings of areas over a long
- 5 period of time, some dating back to the 19th century.
- 6 If the type of land-use planning and
- 7 post-mining land use, that the EIS recommends is to
- 8 be accomplished, then it will require the
- 9 participation of the mineral owners, and most
- 10 importantly, the surface owners, in addition to the
- 11 coal company.
- The problem with the post-mining land
- 13 use planning that most people want, is that it
- 14 requires the landowner to be able to project,
- 15 sometimes two or more decades into the future what
- 16 the market potential will be for a particular
- 17 property.
- Because we do not have a crystal ball,
- 19 these predictions are inherently risky and difficult.
- In fact, they are so risky, that one
- 21 would question the business judgment of someone who
- 22 spent huge sums of money necessary to develop a piece
- 23 of property today, for a use many years in the
- 24 future, not knowing whether the demand will be there

- 1 for that use.
- 2 Coal companies engaged in surface mining
- 3 can, with the consent of the surface owner, do a
- 4 variety of things on the surface in the course of
- 5 mining.
- 6 If a particular parcel is located on a
- 7 major highway, or near a large population center,
- 8 then the chances are high that there will be a
- 9 significant potential for commercial development.
- 10 This suggests that the land should be
- 11 mined with a variance to ALC.
- 12 In addition, if major infrastructure in
- 13 the form of electric utilities, substations, power
- 14 lines, roads, and septic systems are located on the
- 15 land to support the mining, we should think carefully
- 16 why this infrastructure should be removed, as the law
- 17 requires, in the course of reclamation.
- On the other hand, if the mine site is
- 19 remote from commercial centers, as most mines are, it
- 20 makes more sense to adopt a reclamation plan that
- 21 minimizes future erosions, reduces the potential for
- 22 downstream flooding, and creates a diverse habitat
- 23 for animals and plants.
- In conclusion, it is unwise, both

1 economically and environmentally, to insist on a

- 2 one-size-fits-all approach to post-mining land use.
- We should observe three principals,
- 4 respecting the preferences of the owners of the
- 5 surface in selecting post-mining uses, incorporating
- 6 into the permitting process, a flexibility to modify
- 7 post-mining land uses after mining has commenced, and
- 8 relying on the marketplace to guide these decisions
- 9 as opposed to a bureaucracy that has never built a
- 10 development, or created a job.
- MR. CHAIRMAN: Sir, your time is up.
- MR. CARTER: Thank you.
- 13 MR. CHAIRMAN: John Snider.
- 14 Again, the next speaker will be Kent
- 15 DesRosher.
- MR. SNIDER: Good evening.
- 17 My name is John R. Snider.
- 18 For the past two years, I have been
- 19 employed as the Vice President of External Affairs,
- 20 Eastern Operations, Arch Coal.
- 21 Prior to that, I had worked for four
- 22 years in the West Virginia Development Office, the
- 23 last two serving as Executive Director.
- I have over 25 years of experience in

1 the field of economic development in the state of

- 2 West Virginia, and northern and central appalachian
- 3 coal fields.
- 4 During my time with the Development
- 5 Office, I assisted with developing the rules for the
- 6 West Virginia Coal Field Development Office, and
- 7 assisted in funding of several post-mine land-use
- 8 projects.
- 9 I am a certified economic developer.
- 10 Today I am speaking on behalf of the Coal
- 11 Association.
- 12 I would like to discuss for a few
- 13 minutes the Gannett Flemming document "Final Case
- 14 Studies Report on Demographic Changes Related to
- 15 Mountaintop Mining Operation, "long name, but short
- 16 topic once you get to it.
- 17 It offers some interesting conclusions
- 18 which relate to a lot of economies in transition.
- 19 It is a report that really could have
- 20 been taken and located anyplace in the United States
- 21 during the same time frame.
- 22 West Virginia, as a whole, like many
- 23 other areas of the country, has been going through
- 24 transition. That transition has expired in many ways

1 over that time frame, in showing us changing from

- 2 heavy manufacturing and mining, to service jobs, a
- 3 reduction in job pay, reduction in employment, a
- 4 reduction in population.
- 5 Gannett Fleming made several assumptions
- 6 based upon census tracks, not necessarily on areas of
- 7 employment, or other items. Long gone are the days
- 8 where the miner worked in the same town, or census
- 9 track, where the mine is.
- 10 Miners travel, miners are paid very well
- 11 today.
- 12 Stop and think: Do you live and work in
- 13 the same census track, or the same area?
- 14 Gannett Flemming's report was basically
- 15 on 50 and 100 houses in one census track, not a very
- 16 large community.
- No matter how you look at it, it is not
- 18 a good example of what should be talked about. This
- 19 study only includes the economic impact of that small
- 20 area. Whether it be the mine itself, or what happens
- 21 post mining.
- 22 Several other issues must be looked at
- 23 in a different light when you review this report, and
- 24 what is happening in today's time frame.

One: The population of West Virginia is

- 2 declining. It also is declining in the six
- 3 communities, or six census tracks shown in the
- 4 report; no surprise.
- 5 Two: The United States population has
- 6 for several years been changing from an
- 7 industrial-based economy, to a service-oriented
- 8 economy, no real surprise to anyone that understands
- 9 the economy of West Virginia.
- 10 During the time of this work, we saw
- 11 many of our high-paying industrial jobs go offshore.
- We have seen, and continued to see, a
- 13 coal production shift in central Appalachia, to the
- 14 Tygart River Valley.
- 15 As we discuss coal production today, we
- 16 are seeing that shift go offshore. We are receiving
- 17 more coal every day from foreign sources, very
- 18 similar to what is happening in oil.
- 19 Three: As our country changes from
- 20 industrial service, we are seeing many of our fine
- 21 employees being left behind.
- 22 West Virginia has traditionally been a
- 23 heavy industrial state, which included at its heart,
- 24 the production of glass, steel, chemicals, timbering

- 1 and mining.
- 2 West Virginia has been impacted
- 3 negatively more than any other area in the country,
- 4 because of its lack of diversity of its economy.
- 5 Many of our industries and mines have
- 6 closed over the past few years.
- 7 For the average, West Virginians have
- 8 aged these past few years. We are the oldest group
- 9 of people in the United States; we are the oldest
- 10 state.
- 11 Consequently, our school-age population
- 12 has fallen.
- 13 Very few areas in West Virginia are
- 14 gaining population, and the 14 counties in this area
- 15 are no different.
- 16 Did Gannett Fleming tell us anything
- 17 when he wrote this report, or did he take it off the
- 18 shelf? I think he took it off the shelf.
- 19 Overall, Gannett Fleming did a fair job
- 20 describing what was transpiring in those six
- 21 counties, as well as across West Virginia, but this
- 22 is something that could have been done anyplace.
- 23 What we really need is the capability to
- 24 transform flat properties into future diversified

- 1 economy for southern West Virginia.
- We have to be able to have legitimate
- 3 post-mine land-use properties available. This report
- 4 has to allow that, and we believe that Alternative 3
- 5 will allow that to happen.
- 6 Thank you, very much.
- 7 MR. CHAIRMAN: Kent DesRocher.
- 8 The next speaker is Randall Maggard.
- 9 MR. DesROSHER: My name is Kent
- 10 DesRocher, mine President and General Manager of Arch
- 11 of West Virginia, located near Yolyn, West Virginia.
- 12 I worked in the mining industry for 19
- 13 years, and then in the southern Appalachian area for
- 14 approximately 10 years. I reside in Chapmanville.
- I would like to make some remarks
- 16 regarding post-mine land use.
- 17 Over the past several years, coal
- 18 companies have begun to help diversify the economy of
- 19 the 14 coal-field counties.
- 20 Through the development of post-mine
- 21 land sites, including such diverse projects as
- 22 industrial parks, golf courses, racetracks,
- 23 recreational areas, commercial fish facilities,
- 24 housing and public facilities, additional jobs are

- 1 being provided for our neighbors until then.
- 2 With the assistance of the West Virginia
- 3 Coal Field Development Office, we are now even more
- 4 capable to plan for the diversification of the
- 5 economy in the coal fields.
- 6 All 14 counties have suffered in the
- 7 lack of transportation and developable acres for many
- 8 years.
- 9 The transportation routes are all
- 10 improving with the upgrading of US-119 and Interstate
- 11 77, coupled with Interstate 64 and 79.
- 12 Through the development of the King Coal
- 13 Highway, and the Coal Field Expressway, will further
- 14 increase development opportunities.
- The mountainous terrain in 14 counties
- 16 is also slowed growth in the area. Industrial,
- 17 commercial, and housing sites have been at a premium.
- The development of flats, and gently
- 19 rolling sites, will assist in the growth and
- 20 stability of the area.
- 21 Charles Yule, of West Virginia
- 22 University, lists six provisions for new land uses,
- 23 and land-use opportunities.
- 24 Mr. Yule indicates that most potential

1 future mountaintop mining areas will be reclaimed to

- 2 various forest covering.
- 3 The current rules relating to commercial
- 4 forestry, must be reviewed to allow for a highest
- 5 fuel assessment.
- 6 The rules must also be reviewed with
- 7 respect to compaction, competition, and composition
- 8 of soils.
- 9 Recent studies would indicate that the
- 10 best method has not yet been proposed to provide the
- 11 best opportunities for commercial forrestries.
- 12 Much discussing has occurred over the
- 13 past several years, regarding post-mine management
- 14 for agriculture, such as vineyards, animal
- 15 production, greenhouse farming and agriculture.
- Most of the sites where agriculture has
- 17 been proposed, has not occupied the entire site, and
- 18 approval of multiple uses will be required.
- 19 For example, let's say that the primary
- 20 post-mine land is used as a vineyard, which would
- 21 occupy 50 percent of the property.
- 22 But since this is an agricultural
- 23 project, this is a higher and better use, the
- 24 remaining portion of the property, must be allowed to

1 be developed into support areas, pasture land, or

- 2 habitat, which would not compete with the primary
- 3 higher use.
- 4 The study projects a significant acreage
- 5 of land suitable for developing post-mining land
- 6 uses, will result from future mining under all of the
- 7 mining scenarios.
- 8 The only way that the 14 counties can
- 9 significantly change the economy of the area, is the
- 10 development of large sites capable of supporting
- 11 multiple uses.
- 12 Mine scenarios that produced many acres
- 13 of flat to gently rolling land areas, can provide the
- 14 opportunity to diversify and improve the economy of
- 15 southern West Virginia.
- Mr. Yule is correct when he states that
- 17 development limitations, such as poor accessibility
- 18 and infrastructure proximates will continue in nearly
- 19 all of these areas.
- 20 These issues will require the
- 21 development agencies and the environmental agencies
- 22 to think out of the box.
- 23 Such issues of the use of mitigation
- 24 famous for water and sewer projects, should be

1 considered if there is a desire by the involved

- 2 parties to redevelop and diversify the area.
- 3 Smaller sites, less than 50 acres, will
- 4 do little to diversify the economy of the 14
- 5 counties.
- 6 The environmental regulatory agencies,
- 7 must work closely with planning and development
- 8 agencies, when considering post-mine land use.
- 9 Here again, in order to allow for
- 10 diversity and stabilization of the economy,
- 11 regulatory agencies must think outside the box.
- 12 Higher and better use, must be site
- 13 specific, based on many items normally associated in
- 14 the planning documents.
- 15 If you want 14 counties discussed in the
- 16 study to diversify their economy, they must be
- 17 allowed to create land suitable for development.
- 18 The site must be of sufficient size to
- 19 make it worthwhile to provide the necessary
- 20 infrastructure required for development.
- 21 With the event of a responsible
- 22 Environmental Impact Statement, and a desire by the
- 23 Federal and State regulatory agencies, to provide for
- 24 affordable energy, while providing sites for future

1 economic transformation in the 14 counties, we can

- 2 provide a positive outcome to the citizens of West
- 3 Virginia.
- 4 In summary, large-scale surface mining
- 5 can help support the development of infrastructure --
- 6 AUDIENCE MEMBER: Time.
- 7 MR. DesROCHER: -- access, and sites
- 8 necessary for future development to allow for
- 9 diversification of the economy here in West
- 10 Virginia.
- 11 Thank you.
- MR. CHAIRMAN: Randall Maggard.
- 13 Then the next speaker then will be
- 14 Michael Morrison.
- I can keep time, thank you.
- AUDIENCE MEMBER: How about hearing from
- 17 some citizens?
- MR. CHAIRMAN: Go ahead, sir.
- MR. MAGGARD: Hello. My name is Randall
- 20 Maggard, from Dunlow, West Virginia.
- I am the manager of Environmental
- 22 Compliance for Argus Energy, a mining company located
- 23 in southern Wayne County, West Virginia.
- We have operated on a reserve base of

1 approximately 60,000 acres, or about 100-square miles

- 2 since 1987.
- 3 We have disturbed only approximately
- 4 3,000 acres, a mere five percent of our complex. But
- 5 since that time, we have mined over a billion dollars
- 6 worth of coal, and provided good-paying jobs for over
- 7 250 miners and contractors.
- Now our jobs are at risk.
- 9 The permitting quagmire created by
- 10 frivolous lawsuits, and court judgments have created
- 11 indefinite delays, and such unpredictability to
- 12 sustain a viable mining operation.
- We cannot get permits issued.
- 14 When the EIS was first considered, I
- 15 think the regulatory agencies first thought it would
- 16 be simple. The streams below valley fills and our
- 17 mining operations would totally be void of aquatic
- 18 life, but that wasn't the case.
- In a nutshell, the most significant
- 20 findings in the EIS were that there is less mayflies,
- 21 and a detectible amount of selenium downstream of a
- 22 mining operation.
- They blame this on mining, but these
- 24 same effects have been found downstream time and time

1 again, below any man-made development, whether it be

- 2 road construction, housing, commercial areas, and in
- 3 particular, cities and urban areas.
- 4 Just a moment to put selenium issue in
- 5 perspective, I have in my pocket here, a bottle of
- 6 selenium that I purchased at Rite Aid drugstore that
- 7 is recommended as a nutritional supplement.
- 8 The detectible amount of selenium in
- 9 water is .001 parts per million. Each of these
- 10 tablets contain .200 parts per million of selenium,
- 11 over 200 times the detectible limit. The limits that
- 12 are discussed in the EIS.
- 13 The average value of selenium detected
- 14 would require a person to drink about five gallons of
- 15 water directly below a valley fill to get the same
- 16 concentration found in this single tablet that is
- 17 recommended for nutritional value.
- I am confused.
- 19 But in closing, I would like to note
- 20 something that is not said in the EIS. The air in
- 21 West Virginia is cleaner than it has ever been in the
- 22 last 50 years. The water is cleaner than it has been
- 23 in the last 50 years, and yes, we even have more
- 24 forested acres than we did 50 years ago.

1 So, please, let us mine coal and adopt

- 2 Alternative Number 3.
- MR. CHAIRMAN: Mr. Morrison, and then
- 4 the next speaker will be Larry Emerson.
- 5 MR. MORRISON: My name is
- 6 Michael A. Morrison.
- 7 I am from Barboursville, West Virginia.
- I have been a native of West Virginia
- 9 all my life. I love this state. And I have lived
- 10 here and care about my environment.
- 11 What I am seeing is devastation.
- 12 I am really sick of it. It turns my
- 13 stomach, but I am going to offer solution here. It
- 14 is called tourism. If you all know what that means.
- 15 If our streams were cleaned up, we can
- 16 have canoe rentals, canoeing, hiking, mountain
- 17 biking, we have the Appalachian Trails right now,
- 18 which is going to draw and invite tourism. And that
- 19 is a good example.
- 20 We can do more here, if our streams were
- 21 cleaned up. We have got nice streams in this state.
- 22 We are a unique state with streams.
- I am telling you, you all just don't
- 24 care. You all don't care.

1 You care as much about it as George

- 2 Bush, that King George, that Son of a Bush.
- 3 Thank you.
- 4 MR. CHAIRMAN: Our next speaker will be
- 5 Julia Bonds, Julia Bonds?
- Then the speaker after that will be
- 7 Lawrence, B-E-C-K-E-R-L-E, maybe?
- 8 MR. GIBSON: What happened to Larry
- 9 Gibson, Buddy?
- 10 AUDIENCE MEMBER: Yeah, I thought Larry
- 11 was next.
- MR. GIBSON: Yeah, what happened to
- 13 him?
- 14 MR. CHAIRMAN: I am going through the
- 15 cards in order by the numbers that were given to me.
- MR. GIBSON: What?
- 17 MR. CHAIRMAN: I will be going through
- 18 the cards, as I said earlier, in order as the numbers
- 19 that were given to me. They are numbered and given
- 20 to me as those people signed in. That was the
- 21 numbers we are going through.
- MR. GIBSON: I was the first one that
- 23 signed in.
- 24 MR. CHAIRMAN: I will check on it for

- 1 you.
- MS. BONDS: My name is Julia Bonds. I
- 3 live in the Coal River Valley in southern West
- 4 Virginia.
- 5 My family and I have been here many,
- 6 many, years, and many, many, generations.
- 7 I am the sister, daughter,
- 8 granddaughter, and great granddaughter of coal
- 9 miners.
- 10 My home is in the heart of your study
- 11 area, and in the belly of the beast.
- 12 The beast, is the greedy, irresponsible
- 13 coal barrens, and for us, regulatory agencies and
- 14 politicians, that serve as the meals of this beast.
- I consider the draft EIS, the blueprint
- 16 for continued assault upon the people of Appalachia.
- 17 A declaration of war upon children, their children,
- 18 and God's creation.
- 19 Ban mountaintop removal now.
- This EIS encourages the coal industry to
- 21 continue to use Appalachia, and her children, as a
- 22 national sacrifice zone.
- 23 This EIS did not study the cumulative
- 24 effects of communities in the coal fields' health and

1 socio-economic impacts of post, present, and future

- 2 valley-fill mining.
- 3 How did you study environmental justice
- 4 impacts?
- 5 The truth is, you didn't.
- 6 You merely dismissed the cultural
- 7 communities, the people, and the property being
- 8 destroyed by this mining method.
- 9 You just dismissed it.
- 10 I demand a revised Environmental Impact
- 11 Statement, that includes cumulative impacts;
- 12 cultural, social, emotional, spiritual, and health
- 13 problems of the communities of people affected by
- 14 mountaintop removal.
- 15 A total cultural study already exists.
- 16 This study by our Dr. Mary Hufford is available at
- 17 the Library of Congress.
- Dr. Hufford, Doctor of Nephography, is
- 19 doing research at the University of Pennsylvania.
- 20 Our mountain culture has been here long before white
- 21 settlers came, and long before commercial coal mining
- 22 began. And our culture will be here long after the
- 23 coal is gone.
- 24 We believe that many people in

1 mountaintop removal effect people who suffer from

- 2 Posttraumatic Stress Disorder, from blasting, and
- 3 flooding, and the ill effects of mountaintop mining.
- 4 How dare you dismiss the suffering of
- 5 low income and the minority people of Appalachia.
- 6 How dare you dismiss and defy the
- 7 Executive Order dealing with the environmental
- 8 injustices on the low income and minority people.
- 9 How dare you do that.
- 10 Your own study says that this area is
- 11 well above the average in poverty, and unemployment.
- 12 Where is the study on the socio-economic
- 13 problems of this area?
- 14 Why are the people in the coal-rich
- 15 counties the poorest people?
- 16 What are the actual costs to the
- 17 communities and the people that suffer the effects of
- 18 mountaintop removal?
- 19 This mining method affects the very
- 20 poor, and the powerless, and the oppressed people of
- 21 central Appalachia.
- 22 Economic development on these artifical
- 23 sites is nonexistent.
- 24 Only 94 percent of these destroyed

1 mountaintops are ever given any economic development

- 2 for the affected -- the affected -- communities.
- 3 Show me economic development, in Boomer
- 4 Hollow, in Bob White, in Montcoal, in Prince. Show
- 5 me, show me something.
- In the last six months, two schools in
- 7 the Coal River Valley, both surrounded by money
- 8 Massey mining permit, was closed, sending our
- 9 children on very, very, long bus rides, and one of
- 10 those schools is at Montcoal.
- 11 Where is the money, and where is the
- 12 support of the coal industry then?
- 13 The Raleigh County, Board of Education
- 14 said it does not receive one red cent that coal has
- 15 for education. But coal says it gives.
- So who is lying? I would like to see a
- 17 report on that.
- 18 The scientific evidence of this study
- 19 shows that mountaintop removal is environmentally
- 20 insane, but the recommendations by the administration
- 21 is to make it easier for greedy coal companies to
- 22 destroy everything.
- 23 Your report makes an airtight case
- 24 against your conclusions.

1 Your report, and your conclusion,

- 2 strongly contradict.
- 3 Did a complete idiot write the
- 4 conclusion?
- 5 As a fellow Christian, I challenge
- 6 President Bush, to come to the coal-field hollows of
- 7 central Appalachia, and talk with the blasted, and
- 8 flooded, and the poor, and the oppressed people
- 9 impacted by mountaintop removal.
- I ask President Bush to investigate his
- 11 agencies.
- No true Christian would allow these evil
- 13 abuses to continue.
- I am sure once the President discovers
- 15 these crimes against the citizens of Appalachia, he
- 16 would stop mountaintop removal.
- No true God-fearing man would allow
- 18 these crimes to continue.
- MR. BECKERLE: I am Lawrence Beckerle.
- MR. CHAIRMAN: After Mr. Beckerle, the
- 21 next speaker will be Nanette Nelson.
- MR. BECKERLE: Good evening. My name is
- 23 Lawrence Beckerle, I live in Nicholas County.
- I have a number of diverse interests and

- 1 I am involved with a number of different
- 2 organizations, which I will not necessarily get into
- 3 tonight.
- 4 I would mention that my first
- 5 surface-mine reclamation project that I got involved
- 6 in was in 1972, and I have been looking at issues
- 7 involved with surface-mining reclamation over a
- 8 number of years, and a number of capacities, before
- 9 SMRCA was invented and thought of, and I have worked
- 10 in a number of different states.
- 11 Two concerns I have: One, is that when
- 12 you make your decision that you realize that there
- 13 are a number of variables that are upon what can
- 14 happen with a valley fill, or mountaintop mining.
- That you consider all those variables,
- 16 which I will try to include in my written comments,
- 17 because sometimes we confuse issues, then it becomes
- 18 conclusions when we are muddling, and at war with --
- 19 involving so many variables.
- 20 The other thing that I have experience
- 21 in seeing is that the type of regulations that we
- 22 pass, and sometimes they have unintended
- 23 consequences, and can have a large part to do with
- 24 what we end up with.

To give you a couple of examples, I can

- 2 well remember when OSM had interim regulations
- 3 prohibiting any depressions larger than a square
- 4 meter in size.
- 5 It was there for a few years, then it
- 6 disappeared, thank goodness. But it was there for a
- 7 time period.
- 8 West Virginia has a drainage handbook
- 9 that is designed for how water should be controlled
- 10 off of the surface mines, and so on.
- 11 That originated for urban construction,
- 12 highway construction, and so on. So the primary
- 13 emphasis of that drainage handbook is how to control
- 14 water to take it off the site.
- In fact, there is a rule in this
- 16 drainage handbook yet to this day, that prohibits any
- 17 depressions be any deeper than two-tenths of a foot.
- 18 That is a very small distance, two-tenths of a foot.
- 19 So you deliberately create a site that is dry. In an
- 20 urban situation, it makes sense because you don't
- 21 want to have the mosquitos.
- In a surface mine, you want the
- 23 mosquitos as the base for the food source.
- 24 There was also some question about what

- 1 is an impoundment.
- 2 So with every little structure being
- 3 considered an impoundment, even sediment ditches are
- 4 removed after mining. And so on the operational
- 5 side, the coal operators, when you try to talk to
- 6 them about building this type of structure, or that
- 7 type of structure, say why build it, if we are going
- 8 to have to destroy it to get our bond released?
- 9 So we need to look at those kinds of
- 10 issues. As a result of those types of things, there
- 11 are burn-up pools, and ephemeral pools are very rare
- 12 on surface mine areas.
- Wet metals are rare, wet forests are
- 14 rare, absorption terraces are basically unheard of in
- 15 this state, a zero run-off bench and berm systems are
- 16 unheard of.
- To illustrate my point, I know of no
- 18 crayfish farms in any surface mine in West Virginia.
- Now that might seem strange to some
- 20 people that I would even mention that. But If
- 21 someone wanted to put a crayfish farm on, the only
- 22 thing that the DEP and the regulatory people would
- 23 look at is what the economics are behind crayfish.
- 24 They would not consider that crayfish pools would

1 help reduce flooding, would help provide a food

- 2 source for wildlife, and so on.
- 3 So, there needs to be other things
- 4 considered into these projects when you look at
- 5 crayfish farming, and look at the other benefits that
- 6 can result from those.
- 7 There has been an overemphasis on
- 8 perennial grasses, including nonnutritive, and other
- 9 grasses that are not productive for wildlife.
- 10 And one of those disadvantages of that
- 11 is that by contrast, if they would emphasize a
- 12 nitrogen-fixing plan, it would increase the earthworm
- 13 population, which would help make the soil more
- 14 productive, and help increase infiltration, help grow
- 15 better trees and so on.
- By the overemphasis on nonnutritive-type
- 17 grasses, instead of nitrogen-fixing plants.
- 18 We have deliberately made these lands
- 19 nonproductive, and that is very unfortunate. We need
- 20 to change that.
- 21 My minutes are almost up. Good grief.
- But to give an example, if we had --
- 23 another thing that would help us to decide these
- 24 issues --

- 1 AUDIENCE MEMBER: Time.
- 2 MR. BECKERLE: -- would be grade
- 3 limitations, it would have described those, and we
- 4 could make better decisions.
- 5 Thank you.
- 6 MR. CHAIRMAN: Our next speaker is
- 7 Nanette Nelson.
- 8 After that, we will be taking a
- 9 five-minute break.
- 10 MS. NELSON: My name is Nanette Nelson,
- 11 and I live on Big Coal River in Boone County.
- 12 When I sat down last night and thought
- 13 about this meeting, I became both sad, and angry.
- 14 The very subject of MTR, causes such
- 15 extreme emotions for true coal-field residents.
- Those of us who have lived in our
- 17 communities for many generations, are at one with the
- 18 land.
- 19 My family has been in Boone County since
- 20 the 1700's.
- 21 Not many people can understand this
- 22 concept; you just have to know our hearts.
- I want to impress on you the true cost
- 24 of MTR.

1 We hear that the DEP, EPA, and other

- 2 agencies, plus the industry, want to rely on
- 3 so-called scientific data.
- 4 But the data always seems to suit their
- 5 wants and their needs. Certainly not the coal-field
- 6 residents.
- 7 How do you gather scientific data on
- 8 people; their feelings, their hopes, their dreams?
- 9 You cannot.
- 10 This EIS statement is a sham, and it is
- 11 a disgrace to even present it to the people of this
- 12 state.
- 13 You want to talk about economic
- 14 development; where is it?
- 15 According to the DEP website, there are
- 16 363 active mining permits in Boone County.
- 17 They say that MTR sites are made into
- 18 economic development sites; where are they?
- 19 There are 79 active MTR sites now, and
- 20 I doubt that there will ever be any kind of economic
- 21 development on Big Coal River.
- 22 Our county has terrible conditions
- 23 around the MTR site. Property values have gone down.
- 24 People could never get enough out of their homes to

- 1 buy an equivalent home elsewhere.
- 2 People have worked all of their lives to
- 3 have a home, only to see its value go to almost
- 4 nothing.
- 5 Whitesville and Madison are only ghosts
- 6 of what they once were. Everywhere there is MTR,
- 7 community death soon follows.
- 8 People have left because they can't
- 9 stand living in the conditions caused by MTR.
- 10 Our schools are closing. We have lost
- 11 many schools in our county in the past few years;
- 12 need I say more?
- 13 They say MTR is wonderful for wildlife.
- 14 If it is so wonderful for wildlife, why are they
- 15 coming down into our yards looking for food? They
- 16 never did that before.
- You never hear a whippoorwill anymore.
- 18 Big Coal River used to be full of
- 19 freshwater muscles; they were huge. They were
- 20 everywhere in the river. They are all gone now.
- You have poisoned, and polluted, and
- 22 blasted, and dusted the environment to death.
- Not to mention the unprecedented
- 24 flooding that is occurring somewhere every time we

- 1 have a rain event.
- 2 This used to be rare. Now it is
- 3 becoming common place. And who is paying?
- 4 As usual, FEMA is called in and the
- 5 Federal tax dollars are used to try to help these
- 6 families recover, but even this is a sham.
- 7 FEMA doesn't even come close to paying
- 8 enough to putting these poor people on the road to
- 9 recovery.
- 10 Some of these families will never have
- 11 normal lives again.
- 12 And again, the coal and the timber
- 13 companies get off scot-free.
- Where is the justice in this?
- When is this ever going to end?
- 16 When you have destroyed the lives of
- 17 everyone, or have run the rest us off so that you can
- 18 run free of rein to do whatever you want, with no one
- 19 to sue.
- I truly believe that this is your goal.
- You wish that we would all just go
- 22 away. But Bill Rainey, we are not going anywhere, so
- 23 don't get your hopes up.
- 24 You say that MTR is a safer mining

- 1 method; for whom?
- 2 I imagine that it is for the person
- 3 sitting in the big air-conditioned pieces of
- 4 equipment. But what about the people who have to
- 5 live around these sites?
- 6 Remember, these folks didn't move in on
- 7 you, you moved in on top of them.
- 8 Is MTR safer for these residents?
- 9 I think not.
- I want you to know something, I am not
- 11 against coal mining. I am against irresponsible
- 12 mining methods.
- 13 My husband worked underground for many,
- 14 many, years. The true miners knew the dangers and so
- 15 did their families. They accepted that danger.
- 16 These men exposed themselves to dangers every day.
- 17 They exposed themselves, no one else.
- They are true, brave men.
- 19 The people who work the MTR sites, may
- 20 have a safer job for themselves; however, they are
- 21 putting innocent people in harm's way.
- The little children, the elderly, common
- 23 people, and even babies yet unborn, are in danger
- 24 around these sites. And you call this a safer mining

- 1 method? I think not.
- When you put people in harm's way that
- 3 are not even connected to the mining industry, to
- 4 save your own behind, I call that cowardly.
- 5 Thank you.
- 6 MR. CHAIRMAN: We are going to take a
- 7 five-minute break. The two speakers after the break
- 8 will be Larry Maynard and Vivian Stockman.
- 9 One thing when you return from the
- 10 break, if the speaker is already speaking, let's be
- 11 courteous and be really quiet when you come in and
- 12 sit down.
- In about five minutes, we will be
- 14 starting again.
- Thank you.
- 16 (Break.)
- MR. CHAIRMAN: Let's get started.
- 18 As I said before, our first speaker will
- 19 be Larry Maynard.
- 20 Our second speaker will be
- 21 Vivian Stockman.
- 22 As we are all sitting down, let's
- 23 remember to be real quiet for them.
- Thank you.

- 1 MR. MAYNARD: Thank you.
- 2 My name is Larry Maynard. I am from
- 3 Delbarton, West Virginia, and the founder of DECAF,
- 4 Delbarton Environmental Community Awareness
- 5 Foundation.
- 6 I would like to talk a little bit today
- 7 about jobs. Now having jobs, does not justify the
- 8 outright destruction caused by mountaintop removal
- 9 mining.
- 10 If MTR is banned, then the companies
- 11 will have to find alternative and less destructive
- 12 ways to extract their coal; right?
- Jobs will be there, and plentiful,
- 14 possibly more jobs than before.
- 15 If this form of mining continues, then
- 16 our environment, and this area, will continue to
- 17 suffer while the CEO's become rich and the West
- 18 Virginians, they just stay poor.
- 19 West Virginia is becoming the coal
- 20 industry's toxic waste dump. Coal waste impoundments
- 21 that hold slurry, should really be classified as
- 22 such.
- 23 Selenium compounds, arsonic, and other
- 24 hazardous chemicals, make up this sludge.

1 There are good forms of chemicals, and

- 2 bad forms of chemicals. Like selenium, for instance,
- 3 and chromium compounds. Like some forms of chromium,
- 4 body builders use it, while others cause cancer.
- 5 And this stuff gets in our watersheds.
- 6 Some of the things that I want to talk
- 7 about -- some of the primary effects from mountaintop
- 8 removal is destruction of vegetation, our natural
- 9 water streams, the animal habitats, the beauty of our
- 10 environment that surrounds us all. And the future of
- 11 timber, or any wood-producing jobs, just to mention a
- 12 few.
- 13 Also, water-well depletion, homes being
- 14 flooded throughout the valleys, dust that comes from
- 15 the large coal trucks that barrel down our roads, the
- 16 increased weight limits to destroy our roads. And
- 17 who picks up the tab for that, the coal industry, or
- 18 the citizens?
- 19 They cannot constitute their actions
- 20 toward our environment just by making level land, and
- 21 a few jobs, even if they do pay their fair share of
- 22 taxes.
- Thank you.
- 24 MR. CHAIRMAN: Vivian Stockman.

1 Then the next person will be Larry

- 2 Gibson.
- 3 MS. STOCKMAN: I just want to triple
- 4 check that it is okay that I talk, because I heard
- 5 there was grumbling because I spoke already this
- 6 morning, or this afternoon?
- 7 MR. CHAIRMAN: There is nothing in the
- 8 rules that says you couldn't speak at the different
- 9 sessions, so go ahead.
- 10 MS. STOCKMAN: All right.
- 11 My name is Vivian Stockman. I am with
- 12 the Ohio Valley Environmental Coalition. The
- 13 original intent of the environmental impact
- 14 statement, as published in the Federal register,
- 15 was:
- ". . . to consider developing agency
- 17 policies, guidance, and coordinated agency
- 18 decision-making processes to minimize, to the maximum
- 19 extent practicable, the adverse environmental effects
- 20 to waters of the United States, and to fish and
- 21 wildlife resources, affected by mountaintop mining
- 22 operations, and to environmental resources that could
- 23 be affected by the size and locations of excess spoil
- 24 disposal sites in valley fills."

1 The draft EIS -- the recommendations in

- 2 that draft, fail, they utterly fail, to fulfill the
- 3 original intent of the EIS.
- 4 And I wonder if that is because of the
- 5 people like J. Steven Guiles, and Michael Castle, who
- 6 possibly were allowed to even write these
- 7 recommendations.
- 8 This afternoon, I heard people say that
- 9 they don't believe the MTR is involved in the
- 10 flooding in southern West Virginia.
- I guess they haven't read the DEP, and
- 12 OSM studies that say otherwise. I guess they don't
- 13 believe the people who live in the flooded areas,
- 14 downstream from mountaintop removal. I guess, they
- 15 just don't believe what those folks are saying.
- No, MTR is not responsible for all of
- 17 the flooding. But the studies say, and reality
- 18 shows, that it does indeed make flooding much worse.
- 19 We have heard a lot of comments about
- 20 how great mountaintop removal is for the state
- 21 because it provides flat land for economic
- 22 development.
- 23 How can that possibly be true? Right
- 24 now, we have probably over 300,000 acres of blown-up,

- 1 treeless, soilless, rubble-strewn former
- 2 mountaintops, just waiting for the long touted
- 3 economic development.
- 4 These wastelands have some ponds with
- 5 stagnant water, not to mention the coal-waste flood
- 6 lakes, but a good supply of fresh water, one
- 7 essential for economic development just isn't
- 8 available, because the blasting has reeked havoc on
- 9 the ground water, and of course, the streams are
- 10 buried.
- 11 Remember, too, that most of these
- 12 flatlands that the industry touts are hundreds of
- 13 feet above any existing infrastructure, are municipal
- 14 roads and former DEP head, Michael Callahan admitted
- 15 that less than two percent of the sites that have
- 16 already been obliterated by mountaintop removal, have
- 17 had any sort of economic development.
- 18 Yes, there are some projects on some
- 19 mountaintop removal sites, but why in heaven's name
- 20 do we need anymore, if we already have over 300,000
- 21 acres sitting around, flat acres.
- We do have a couple of golf courses, a
- 23 high school, whose gym sank, and they had to get the
- 24 Jaws of Life out to open the doors. Some built that

- 1 have been having stability problems, too.
- 2 For instance, in Kentucky, there is what
- 3 they are calling now a "sink-sink". It is a prison
- 4 that over \$40 million of taxpayer money has gone into
- 5 stabilizing the site, and the towers are leaning.
- 6 It is turning out to be the most
- 7 expensive jail ever built in the United States. And
- 8 that is the showcase of mountaintop economic
- 9 development site.
- 10 At last year's Coal Summit in this very
- 11 building, a hydrogeologist noted that in the Coal
- 12 River basin alone, there are about 95,000 acres of
- 13 obliterated mountaintops and buried valleys.
- 14 That is enough flat land to provide all
- 15 of the following: Five, 5,000-acre recreational
- 16 parks; Ten, 1,000-acre prison sites -- since that is
- 17 going to be our great economic development -- five,
- 18 500-acre shopping malls -- I don't know where all the
- 19 shoppers will come from. 100, 100-acre trailer
- 20 parks -- and I guess that will relocate all the MTR
- 21 flood victims. There would still be 400, 50-acre
- 22 school sites -- not that there are any students left.
- 23 So that still leaves about 5,000 acres,
- 24 which we could make the monument park for the West

1 Virginia Coal Association, so they can show people

- 2 how great mountaintop removal is for West Virginia,
- 3 one of the poorest states in the nation.
- 4 The EIS needs to address the fact that
- 5 West Virginia already has enough barren, waterless,
- 6 soilless, flat land.
- 7 We got enough.
- 8 Thanks.
- 9 MR. CHAIRMAN: Larry Gibson. Then the
- 10 next speaker will be Julian Martin.
- MR. GIBSON: Here I see -- on this
- 12 stage, I see OSM, FWS, WVDEP, the EPA, COA; we don't
- 13 have no CFO. That is what is called CFC, actually,
- 14 for -- Concern for Citizens.
- We have these here -- a lustrous group
- 16 up here of people who are supposed to be representing
- 17 the State of West Virginia, and the group of people
- 18 here -- I don't see them doing anything that is worth
- 19 their while here.
- 20 Also, we was talking about --
- 21 I heard -- while we was sitting there talking --
- 22 I had other things to say, but I want to talk about
- 23 this one.
- 24 We have heard about the decrease in the

1 population of the coal fields, the number of people

- 2 or citizens in the coal fields.
- 3 The only thing that I don't understand
- 4 is, if coal is so good, how come we're losing our
- 5 citizens in the coal fields? How come people are
- 6 leaving?
- 7 Also, how come we have such low income?
- 8 How come we have such low education in the southern
- 9 coal fields? How come we don't have any
- 10 infrastructure? How come we don't have city services
- 11 for everybody in Logan? Things like that, we don't
- 12 have it.
- 13 Another thing I want you all to
- 14 understand about mountaintop removal, it is not only
- 15 destroying our mountains, it is interfering with our
- 16 mountain way of life.
- Now I mean, we have, around my area, in
- 18 our mining area, or the mining around my mountain, we
- 19 have mountaintop at about 2,000 feet. My land stands
- 20 about 6- or 700 feet above the sites.
- 21 But we have -- because of the
- 22 mountaintop removals, and the underground mining, we
- 23 have mine cracks that just happen to be up there the
- 24 other day, too. And this is several times now

- 1 they've filled these mountain cracks up.
- 2 But I called the Surgeon General's
- 3 office the other day, and I left her a message, We
- 4 have people in harm's way over here in Clearfork.
- 5 And I called her, and I made a reference to her to
- 6 find a way to put these people out of harm's way, so
- 7 that she could ensure their safety, to make sure
- 8 their life won't be in danger.
- 9 We have nobody here on this panel just
- 10 concerned about the citizens. If you did, you would
- 11 be going over renting these homes over there in
- 12 Clearfork that's empty, and living down below those
- 13 mountains, where the floods did not happen.
- Of course, it is obvious that floods do
- 15 not happen in the coal fields.
- 16 Another thing that I mentioned about the
- 17 jobs here; Gosh, now I've got to help Chris Hamilton
- 18 out here, because the jobs, here in the coal fields,
- 19 I think we have lost about 150,000 miners in
- 20 West Virginia. And I heard Chris up here say, We are
- 21 providing jobs for the people in the coal fields.
- 22 Well, I think if we keep providing jobs
- 23 at that rate, we won't have to worry about the coal
- 24 company, they will put themselves out of business.

1 And another thing, if Chris Hamilton

- 2 endorses this thing that you all put together, it
- 3 can't be good for the citizens.
- 4 It can't be good for the citizens.
- I am going to the office and I am voting
- 6 against this. Because if Chris is for it, I got to
- 7 be against it.
- 8 MR. MARTIN: My name is Julian Martin.
- 9 MR. CHAIRMAN: Just a minute, sir. I'm
- 10 sorry.
- 11 After Mr. Martin, Janet Fout.
- Okay, Mr. Martin.
- MR. MARTIN: My name is Julian Martin.
- 14 I am the 8th generation that has lived on Coal
- 15 River. We live in Charleston now.
- My people came here around 1800. We got
- 17 here before coal did.
- I would like to see the people that want
- 19 to destroy our mountains, are moving in on our
- 20 homeplace.
- 21 I would like to lodge a complaint with
- 22 this panel: I was the second person to sign in
- 23 tonight. Larry Gibson was the first. He was the
- 24 first person to walk through that door; I was the

- 1 second.
- 2 Chris Hamilton was not in that room out
- 3 there. He walked in here about two or three minutes
- 4 before the thing started and he spoke second.
- 5 Now that shows you how low the coal
- 6 industry will stoop. If they will cheat on stuff
- 7 like that, for God's sake. Now that is really tacky;
- 8 isn't it? I mean, that is character, isn't it? That
- 9 is who you are dealing with. These are the kinds of
- 10 people that you are dealing with.
- 11 They would steal from their little
- 12 sisters.
- They would push their mother down the
- 14 stairs in a wheelchair.
- I want to complain about the fact that
- 16 your economic study was not a broad -- did not cover
- 17 enough years. I want you to go back and do this
- 18 again. I bet you love to hear that, don't you?
- 19 You will get some information from me
- 20 about Bill Mackey, who used to be the head of the
- 21 Board Service, in West Virginia. And he resigned in
- 22 protest against mountaintop removal.
- 23 He said it was akin to a disease like
- 24 AIDS. That is what he said.

1 This is not a tree-hugging radical,

- 2 out-of-state environmentalist, okay? This is a man
- 3 who believed in clear-cutting, for God's sake.
- 4 He says that mountaintop removal is akin
- 5 to a disease like AIDS. Why was he not interviewed
- 6 for this? Why was the information that he has not
- 7 included in this study?
- 8 This man was a was a prominent figure in
- 9 this state, and in this business. He knows what he
- 10 is talking about. He said that 300,000 acres had
- 11 been destroyed already. And he said that for every
- 12 acre, you can get 200-board feet of timber that is
- 13 new growth. That is the new growth per acre.
- I am sure it is an average, okay?
- Multiply those two numbers together,
- 16 300,000 times 200, comes out to 60-million-board
- 17 feet. That was in 1997, this estimate he made.
- 18 That 60-million-board feet of timber
- 19 could have been cut on what has already been
- 20 destroyed every year, forever.
- Not just one, every year. That is just
- 22 the new growth. You could have cut that and not miss
- 23 it.
- Now, if this whole mess doubles, as this

- 1 report claims, it's going to -- if mountaintop
- 2 removal doubles -- then by the year 2013, I think it
- 3 was, in 10 years, or something, it is going to be
- 4 around 200-billion-board feet of timber lost every
- 5 year, forever.
- 6 Every year. Not one, but every damn
- 7 year, and that is if they quit mining right then.
- 8 They are destroying the hardwood timber
- 9 in West Virginia. Fall is going to disappear. All
- 10 the trees are going to be the same. They are going
- 11 to go with the cheap trees, where they can grow real
- 12 fast, and don't change colors. They don't want to
- 13 mess with that. We're all going to look like Oregon,
- 14 you know, you're going to have green and yellow, that
- 15 is it.
- So I beg you, I plead with you -- I know
- 17 I am pissing in the ocean -- I beg and plead with you
- 18 to reconsider the economic study.
- 19 Do a long-term economic study. Not just
- 20 about the coal industry, about everything this is
- 21 costing us.
- 22 For God's sakes, they are destroying the
- 23 future use of these places.
- 24 These are wastelands. Get a grip.

1 These are horrible looking places; these are not

- 2 close calls.
- 3 This is the worst environmental crisis
- 4 in the whole world.
- 5 There is not another mountain range in
- 6 the United States that has had 300,000 acres
- 7 destroyed. Nowhere. It is an outrage.
- 8 And I wish I had another hour.
- 9 I want you to offer other options.
- 10 Enforce the law as it is. If you did that, it would
- 11 stop them in their tracks.
- Do away with those damn national
- 13 permits that say that a valley fill has a minimal
- 14 environmental damage.
- Good God, don't let them dump anything
- 16 in any stream. It is craziness.
- There are 147 years of underground coal,
- 18 according to this report. Let's do it underground,
- 19 with the pillars left behind so that the top doesn't
- 20 cave-in, too.
- Now, I talked today to a DEP person, and
- 22 he said that it looks like they did all that research
- 23 and then just ignored the damn thing in their
- 24 recommendations.

1 I know that there are people in your

- 2 departments. We know them. We know who they are
- 3 there. You know, there are moles. Deep Throat isn't
- 4 anything. You can't trust anybody over there.
- 5 They are on our side.
- 6 They tell us that this is a bunch of
- 7 bullshit.
- 8 Thank you.
- 9 MR. CHAIRMAN: Janet Fout.
- James -- I believe it is Maynard.
- I am Janet Fout. I work for the Ohio
- 12 Valley Environmental Coalition.
- I am a life-long resident of West
- 14 Virginia. My daughter is seventh generation.
- I just wanted to remind folks here on
- 16 the panel a little bit about the National Environment
- 17 Policy Act of 1969.
- The purpose of the Act basically says to
- 19 encourage, productive and enjoyable harmony between
- 20 man and his environment. Promote efforts which will
- 21 prevent or eliminate damage to the environment and
- 22 biosphere, and stimulate the health and welfare of
- 23 man.
- 24 This is the foundation for this EIS

1 process, and there are three parts of this that I

- 2 think are very much being neglected by the EIS.
- 3 It says that you should ensure for all
- 4 Americans safe, helpful, productive and aesthetically
- 5 and culturally pleasing surroundings.
- 6 I don't think that there is anyone who
- 7 has ever been to a mountaintop removal site, who
- 8 would say that mountaintop removal, as it is
- 9 practiced in West Virginia, does that.
- 10 That you should attain the widest range
- 11 of beneficial uses of the environment without
- 12 degradation, risk to health, or safety, or other
- 13 undesirable, or unintended consequences.
- 14 What I read of the EIS, says that there
- 15 are many consequences, and they are very negative
- 16 consequences to water quality, to habitat for
- 17 wildlife, for communities, for people who live near
- 18 blasting.
- 19 There are numerous, numerous, impacts.
- That you are to preserve important
- 21 historic, cultural, and natural aspects of our
- 22 national heritage, and maintain wherever possible, an
- 23 environment which supports diversity and variety of
- 24 individual choice.

1 There is very little in the EIS, as it

- 2 is currently stated, that covers the cultural, or
- 3 historic losses.
- 4 I would suggest to you that since your
- 5 EIS contains -- at least two symposiums -- put
- 6 together by Federal agencies, and the coal industry,
- 7 that you also include the proceedings from the
- 8 Citizens Coal Summit that was in 2002, held here in
- 9 Charleston.
- 10 You will learn a lot about the cultural
- 11 impacts, and the impacts on people's lives.
- 12 Also, just some something -- the reason
- 13 why I think mountains need to be preserved in West
- 14 Virginia.
- These are the words of Wendell Berry:
- 16 "The peace of wild things.
- 17 When despair for the world grows in me
- 18 and I wake in the night at the least
- 19 sound, in fear of what my life and my
- 20 children's lives may be,
- I go and lie down where the wood drake
- 22 rests in his beauty on the water,
- and the great heron feeds.
- 24 I come into the peace of wild things

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1 who do not tax their lives with
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- 2 forethought of grief.
- 3 I come into the presence of still water
- 4 And I feel above me the day-blind stars
- 5 waiting with their light.
- 6 For a time I rest
- 7 in the grace of the world,
- 8 and am free."
- 9 There is very little in your Draft EIS
- 10 that talks about those kinds of impacts. When all of
- 11 our mountains are gone, when all of our streams are
- 12 filled, where will we restore our souls?
- 13 And also, as long as I've got time, I am
- 14 going to mention a few other things.
- 15 I think there is not nearly enough in
- 16 the draft EIS to address the concerns about
- 17 coal-slurry impoundments. I actually have three
- 18 photographs that I will leave with you.
- 19 These are so close to many communities
- 20 and in these particular photographs show how close
- 21 they are.
- 22 Here is a little known economic fact of
- 23 coal. In 2002, for every \$100 a miner which makes
- 24 \$50,000 a year -- a CEO of Massey Energy rakes in

- 1 approximately \$13,600.
- 2 So somebody certainly is benefiting from
- 3 mountaintop removal.
- I wanted to mention something about the
- 5 Alternatives. The reason Alternative Number 3, is so
- 6 attractive for the coal industry and which I think
- 7 that is definitely the wrong way to go. That is a
- 8 fast track.
- 9 That means that everything is given a
- 10 rubber stamp, nationwide permit. I think what Julian
- 11 mentioned before, this is for minimal adverse
- 12 environmental impact.
- 13 The coal industry likes this because it
- 14 is the quickest -- is a strategy which enriches their
- 15 bottom line, and so that is why they prefer that.
- We don't prefer that.
- 17 In fact, we believe that mountaintop
- 18 removal should be banned. There might be lots, and
- 19 lots of laws, like Chris Hamilton mentioned before.
- 20 But unfortunately there doesn't seem to be anybody
- 21 who has political will to enforce the laws. Whether
- 22 it is AFC laws, flood control, bond release, or you
- 23 name it.
- 24 Finally, there was some mention about

1 Mark Canterbury's study, and what is a frequent

- 2 decline in this nation wherein we have a prime
- 3 habitat.
- 4 Mountaintop removal will destroy and
- 5 fragment --
- 6 MR. CHAIRMAN: You are out of time.
- 7 MS. FOUT: Well, thank you.
- 8 MR. CHAIRMAN: Thank you.
- 9 MS. FOUT: I will submit written
- 10 comments.
- 11 Thank you very much.
- MR. CHAIRMAN: James Maynard.
- 13 And the next speaker will be Donna
- 14 Price.
- MR. MAYNARD: My name is James Maynard,
- 16 I am in Delbarton, West Virginia. I just don't like
- 17 the way they are tearing our mountains up, filling up
- 18 the hollows, and stuff like that.
- 19 It is not real good, or you know.
- 20 The environmental -- and stuff like
- 21 that, and the trees, and stuff, tearing it up.
- I have seen it all. I have seen trees
- 23 tore all to pieces and just thrown over the hill and
- 24 covered up and everything else.

1 What do you call them dams, and stuff

- 2 like that? I have seen them, too, and they ain't no
- 3 good.
- 4 That is all I got to say.
- 5 MR. CHAIRMAN: The next speaker is
- 6 Donna Price, and then the following speaker is Frieda
- 7 Williams.
- 8 MS. PRICE: My name is Donna Price, and
- 9 I am from Dorothy, West Virginia, in the Coal River
- 10 Valley.
- 11 First, let me say that I am absolutely
- 12 against the mountaintop removal method of coal
- 13 mining.
- 14 This massively destructive mining
- 15 method, has eradicated hundred of thousands of
- 16 Appalachian hardwood forests, and replaced them with
- 17 worthless grassland.
- 18 It eliminates miles of precious
- 19 headwater streams, and then there are these massive
- 20 valley fills. Composed of waste rock and dirt that
- 21 is blasted from mountaintops, and dumped into the
- 22 nearest valley.
- 23 And by the way, for everyone who calls
- 24 valley fills usable flatland; West Virginia is the

- 1 Mountain State.
- 2 These monstrosities are contemptuous
- 3 insult to our heritage.
- 4 Runoff from these fills degrades our
- 5 tributary streams and clogs them with silt.
- 6 Recent studies tell us that all of these
- 7 things contribute to the dangerous flash floods, that
- 8 have become a plague across this region over the past
- 9 several years.
- Now none of this is news to you people
- 11 who live near mountaintop removal; we are seeing
- 12 these things happen. We live with them every day.
- 13 We know what is happening, to our land, and our
- 14 homes, our communities, our schools.
- We know exactly why our highest
- 16 coal-producing counties have the highest unemployment
- 17 rate, and the highest poverty level in the state.
- 18 We all know these things. And you know
- 19 about these things, too. You may not be comfortable
- 20 with that knowledge, and you may choose to ignore it,
- 21 in order to make your study accomplish what it has
- 22 been designed to accomplish, which seems to be to
- 23 keep the coal industry profitable.
- 24 But you could never say that you don't

1 know about these things. It has all been explained

- 2 to you numerous times during these public hearings,
- 3 and I think that this EIS is a shame and a sham.
- 4 And I see people all over this region
- 5 becoming more and more frustrated and angry at this
- 6 administration, and these agencies, have failed in
- 7 their duty to prevent this irresponsible destruction
- 8 of our land and our water.
- 9 One more thing: This dirty little
- 10 secret is no longer confined to the hills and
- 11 hollows of central Appalachia.
- 12 The ravages of mountaintop removal
- 13 mining, and the devastation it is causing to our
- 14 land, and water, and our people. All of these things
- 15 are being made known to citizens all over this
- 16 country, and the outrage is growing.
- 17 Blowing up mountains is becoming a
- 18 decidedly unpopular method of mining coal. It is too
- 19 destructive. It violates the principles of the Clean
- 20 Water Act.
- 21 It is becoming unacceptable to the
- 22 people of this country, and it will be stopped.
- Thank you.
- 24 MR. CHAIRMAN: Frieda Williams. And

- 1 then the next speaker will be Bill Price.
- When you come up, remember to speak into
- 3 the microphone.
- 4 Thank you.
- 5 MS. WILLIAMS: I am glad to have this
- 6 opportunity again.
- 7 I say, no to mountaintop removal.
- 8 Even those who work in the mines are
- 9 affected by the damage that illegal and irresponsible
- 10 coal mining has on the citizens of the coal fields.
- 11 Over just the past two years, many homes
- 12 have been destroyed by flooding that has come from
- 13 mountaintop removal sites and by valley fills that
- 14 overflow.
- No one knows how much water is stored in
- 16 our mountains. I wish we did.
- 17 Throughout the coal fields, abandoned
- 18 deep mines have been filling with water for more than
- 19 50 years. Research from the University of Kentucky,
- 20 established that water contains more than 60
- 21 different chemicals, all of which are polluting our
- 22 drinking water.
- 23 We know only too well what the problem
- 24 is. We know what it will take to solve the problem.

- 1 We have the proof through the Governor's Flood
- 2 Committee Report, and the national report on coal
- 3 slurry damage.
- 4 These reports have taken more than two
- 5 years to complete. So why the delay on putting the
- 6 solution into place?
- 7 The people of the coal fields need the
- 8 answer yesterday. Profits for a few, is not good
- 9 enough reason to let this destruction continue.
- 10 If you really want to make a decision,
- 11 don't take anyone else's word, come to the coal
- 12 fields yourself.
- More than 80 years ago, Mother Jones
- 14 said, "There is never peace in West Virginia because
- 15 there is never justice."
- 16 Unfortunately, that is still true
- 17 today.
- Thank you.
- 19 MR. CHAIRMAN: Bill Price, and then next
- 20 one will be James Chajmacki. I will apologize for
- 21 that name, now.
- MR. PRICE: Can you hear me? Because I
- 23 want to shout it to the rafters, it is time to stop
- 24 mountaintop removal mining.

1 My name is Bill Price, and I am the

- 2 environmental justice resource coordinator for the
- 3 Sierra Club in central Appalachia.
- I am a proud member of the Coal River
- 5 Mountain Watch, and I am a resident of Dorothy, West
- 6 Virginia, living smack down in the middle of the
- 7 southern coal fields of West Virginia.
- I must tell you that I came here
- 9 reluctantly. Not because of any threats, or
- 10 intimidation -- because we weren't going to listen to
- 11 that -- but because I know that the Bush
- 12 Administration, and the Environmental Protection
- 13 Agency want us to come here, say our peace, and go
- 14 back and live under the valley fills again.
- 15 And I know that this EIS is a shame and
- 16 it is a sham, and the Bush Administration just don't
- 17 give a damn.
- But in the end, I decided to come here
- 19 and tell the EPA, and others, that there is this
- 20 great frustration in the coal fields of West
- 21 Virginia, Kentucky, and Tennessee.
- 22 People who have for so long battled for
- 23 justice, are fed up with not being listened to, fed
- 24 up with laws not being enforced, fed up with crooked

1 politicians, fed up with the coal industry that puts

- 2 profit above people, fed up with having our homes and
- 3 lives destroyed in the name of corporate greed.
- 4 From that frustration is coming power.
- 5 Power that doesn't come from money, and it doesn't
- 6 come from status, it comes from within. And it comes
- 7 with being united with people from around this
- 8 region, around this country, and around the world.
- 9 I am here tonight to tell you about the
- 10 people. I will tell you about a mother who used to
- 11 go out on her back porch with a cup of coffee in her
- 12 hand, and look up into the beautiful mountains and
- 13 valleys, behind her home, and now she goes up there,
- 14 and looks up at a pile of rock that they call a
- 15 valley fill, and she cries.
- 16 Mothers shouldn't be crying in the
- 17 States of West Virginia, Kentucky and Tennessee.
- 18 This EIS is a sham. And we can do
- 19 better.
- 20 And I want to tell you about a father
- 21 who once took his son fishing in the mountain streams
- 22 surrounding his home to teach him how to fish, like
- 23 his father had before him. Now he would have to
- 24 explain to his little boy how that mountain stream is

1 no longer there. How it is part of over 700 miles of

- 2 streams that have been buried by mountaintop removal
- 3 mining.
- 4 Daddy should not have to explain that to
- 5 the little boy, and the EIS does not solve that
- 6 problem, and we can do better.
- 7 I want to tell you about a grandfather
- 8 and grandmother, who worked their entire lives to get
- 9 a little place up in the mountains so that they could
- 10 retire in peace and quiet. And now, every day that
- 11 peace and quiet, is blasted, because of blasting on
- 12 the mountains above them, and they are afraid, pissed
- 13 off, and stressed out.
- 14 And grandparents should not have to live
- 15 that way. This EIS does not solve that problem, and
- 16 we can do better.
- 17 And you need to hear about the
- 18 children. The children who are going to bed every
- 19 night that it rains fully clothed because they don't
- 20 know that at 3 o'clock in the morning they may have
- 21 to get up and run for their lives. Not from the
- 22 water coming from the streams, but the water that is
- 23 coming from the sediment ponds above them.
- 24 Children should not have to be going to

- 1 sleep fully clothed at night. This EIS does not
- 2 solve that. And it is a sham, and we can do better.
- Frieda, thank you for mentioning Mother
- 4 Jones. Because people today are still fighting for
- 5 justice in the coal fields, and we will have that.
- 6 Our battle is not with the ones of those
- 7 that are feeding their families, but it is with the
- 8 greedy coal operators, and the West Virginia Coal
- 9 Association who put profit above people.
- 10 And our battle with the Bush
- 11 Administration, that totally ignores the laws and
- 12 lets this illegal practice continue.
- We will win.
- 14 We will have coal field justice, in
- 15 spite of the fact that this EIS is shame, and a sham,
- 16 and the Bush Administration just don't give a damn!
- 17 MR. CHAIRMAN: James Chajmacki?
- AUDIENCE MEMBER: He left.
- 19 MR. CHAIRMAN: Okay. Pam Medlin.
- 20 After Pam we will be taking another
- 21 small break again.
- 22 MS. MEDLIN: I am Pam Medlin. I am from
- 23 Charlotte, North Carolina.
- I am here tonight representing a family

- 1 from McDowell County, West Virginia.
- 2 My eighth-year-old son came to me
- 3 recently with tears in his eyes asking, Mommy, why
- 4 don't they realize that cutting down the mountains
- 5 and trees causes flooding and hurts the earth. Even
- 6 I know that, and I am just a kid.
- 7 That single statement stunned me. My
- 8 immediate family no longer lived in West Virginia.
- 9 My kids don't have to live in fear of another flood
- 10 or slurry dam breaking. Yet they feel the pain of
- 11 their friends and family still living in the coal
- 12 fields of West Virginia.
- 13 My son heard me planning my trip here
- 14 today and begged to come along. Why do you want to
- 15 go? I asked him. His reply, So that I can ask the
- 16 coal company, and the coal miners myself, why they
- 17 hate little kids so much. They put them in danger.
- 18 Why can't we find better ways to make
- 19 electricity, and why they can't be nice to the earth?
- 20 Again, I was stunned by the intelligence
- 21 of an eight-year-old child. If he could understand,
- 22 then surely the coal companies, and the government
- 23 could understand, as well.
- 24 This earth is a gift given to all of us

1 for the short amount of time we are here. Not just

- 2 big business and people with money.
- 3 For someone to have the audacity to
- 4 think that they can improve the gift that has been
- 5 given, leaves me at a loss for words.
- 6 What is going to be left for future
- 7 generations? When the last hardwood forest is being
- 8 trucked out of here, and seeing flat scarred land
- 9 where a majestic mountain once stood?
- 10 Can you, the coal companies, or you the
- 11 government, look into the innocent eyes of a child
- 12 and honestly say that you tried to do something good
- 13 for the earth and their future? That you didn't
- 14 think mountaintop removal was bad for the earth?
- We ask that you take an honest and
- 16 unbiased look at the government's own research. They
- 17 have proven, without a shadow of a doubt, that
- 18 mountaintop removal and valley fills destroy our
- 19 environment and our future.
- 20 We ask that you extend the deadline for
- 21 comments on the Environmental Impact Statement, so
- 22 that all people can read, and fully understand the
- 23 devastation our own government, our own government,
- 24 is permitting to continue.

1 Perhaps it is time that we all realize

- 2 that we are in this together. There are
- 3 alternatives, and together we ought to succeed in
- 4 making a difference.
- 5 Remember the words of a child, "I know
- 6 that, and I am just a kid."
- 7 MR. CHAIRMAN: It is time that we all
- 8 take a five-minute break here. The two speakers
- 9 after the break will be Winnie Fox. Carolyn
- 10 Chajmacki, if she happens to still be here, and Patty
- 11 Sebok.
- 12 Let's take five minutes, and come back
- 13 in, and if the speaker is speaking, again, be very
- 14 quiet.
- Thank you.
- 16 (Break.)
- 17 MS. FOX: My name is Winnie Fox. I am
- 18 from Huntington, West Virginia, and I was born on the
- 19 Big Sandy River.
- I have seen a lot of hideous things in
- 21 my time, but I have never, never seen anything as
- 22 hideous as mountaintop removal.
- 23 This state has the richest resources and
- 24 the poorest people. We talk about we have no jobs,

1 our children have to leave this state because there

- 2 is nothing here for them. We educate them and then
- 3 bid them good-bye. They are like refugees.
- I am going to calm on down now. But I
- 5 want to read a poem that I wrote about Massey because
- 6 I am supposed to restrain myself. Because I might
- 7 incinerate.
- 8 "Ode to Massey Coal"
- 9 "How you use energy all wrong
- 10 You have been among us too long.
- 11 Everything you have been doing is wrong.
- 12 You have messed up our rivers,
- 13 You have messed up our streams,
- You have messed up our hopes,
- and you have messed up our dreams.
- 16 You have blown up our mountains,
- 17 You have taken our wells,
- 18 and instead of respecting,
- 19 You've given us hell.
- You've been a rotten corporate neighbor,
- You've no respect for labor.
- Now we have a monumental job of cleaning
- 23 up the mess you made,
- 24 And I've covered for the taxes you have

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1 not paid.
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- 2 The ads that you running on TV to make
- 3 you look good,
- 4 but they are not working,
- 5 you are still a corporate hood.
- 6 The toxic sludge is so yucky,
- 7 that you don't want Kentucky.
- 8 Can we recover our losses,
- 9 at the EPA office?
- 10 Stop this deadly World War,
- We can't stand it anymore.
- When we bid you goodbye,
- there will be no tears in our eyes.
- 14 Here's to you, Dear Old Massey,
- 15 you have been a pain in the . . .
- 16 neck."
- 17 These are sacred land, and these are
- 18 sacred people, and you are the regulatory agency for
- 19 this site, and it is your sacred duty to protect
- 20 these mountains and protect these people.
- 21 Because if you don't, you will have to
- 22 answer to somebody for that. I promise. And I keep
- 23 my promises.
- 24 Thank you so much.

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1 MR. CHAIRMAN: Carolyn Chajmacki?
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- 2 AUDIENCE MEMBER: They left.
- 3 MR. CHAIRMAN: I knew he did, but I
- 4 wasn't sure if she did or not.
- 5 Patty Sebok. And then after Patty, it
- 6 will be Janice Neese.
- 7 MS. SEBOK: Hello. My name is Patty
- 8 Sebok. I am a lifelong resident of Boone County,
- 9 West Virginia.
- 10 My ancestors also have been here since
- 11 the 1700's. My father was a coal miner, and my
- 12 husband is a coal miner. So I am not against all
- 13 coal mining. But I am against mountaintop removal
- 14 mining.
- I keep hearing that mountaintop removal
- 16 mining provides the only good paying jobs in a
- 17 depressed region, and levels out rough terrain for
- 18 future development. Well MTR mining provides so many
- 19 jobs, then why are the coal mining counties the
- 20 poorest of the state?
- Name me one mountaintop removal site
- 22 that has been developed on the Big Coal River area.
- 23 We hear that there is no economic development because
- 24 of a lack of potential development sites.

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Big Coal River area has over 95,000
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- 2 acres of flattened land. Is this not enough land for
- 3 development? Where are the development plans for the
- 4 land? What is the percentage of mountaintop removal
- 5 sites that are developed from destroyed mountains?
- 6 Boone County has an economic development
- 7 plan, but it plainly states that if an MTR site is
- 8 not within a half of a mile of a four-lane road,
- 9 there will be no development.
- 10 So on our side, the Big Coal River side
- 11 of Boone County, there will not be any development.
- 12 If mountaintop removal mining is so good
- 13 for communities, why isn't there any mountaintop
- 14 removal going on in Charleston or South Charleston.
- 15 Is it because mountaintop removal impacts the poor,
- 16 those without power? You won't see it in the rich
- 17 communities.
- 18 Lives are lost, homes destroyed, and
- 19 communities devastated. Plus the loss of our culture
- 20 when we lose our mountains, and the freedoms that go
- 21 into our mountains.
- Deer and bear are being seen in people's
- 23 yards in the daytime to eat because they are being
- 24 run out by mountaintop removal. They have no food.

In the past four years, I have seen more

- 2 deer coming in my yard to eat grass than I have in my
- 3 entire lifetime.
- 4 If you think that enforcement of
- 5 existing regulations will not be economically
- 6 beneficial to continue mining, then go back to deep
- 7 mining.
- 8 Deep mining does not cause the problems
- 9 that mountaintop removal mining does. Plus, it
- 10 provides more jobs, with much less environmental
- 11 impact on communities, and private property owners.
- 12 Last year, my husband was laid off twice
- 13 from the deep mines, while the mountaintop removal
- 14 sites were working night and day.
- 15 Mountaintop removal mines does not
- 16 provide half as many jobs as deep mines, but deep
- 17 mines cannot compete with the cheap prices of
- 18 mountaintop removal coal.
- 19 This EIS study costs the American
- 20 taxpayers -- yes, the American taxpayers, not just
- 21 West Virginia taxpayers -- \$8 million.
- 22 And it started out to minimize the
- 23 potential for adverse effects of mining operations.
- 24 So I would like to know how did it come

- 1 to be a streamline permitting process?
- 2 Thank you.
- 3 MR. CHAIRMAN: Janice Neese. The next
- 4 speaker will be Chuck Wrostok.
- 5 MS. NEESE: Hi. My name is Janice Neese
- 6 and I am currently the executive director of
- 7 Coal River Mountain Watch.
- I, too, am a lifelong West Virginian. I
- 9 have come from two generations of coal miners.
- 10 For over five years -- the last five
- 11 years -- I have been working very closely with the
- 12 residents of the southern coal fields, fighting the
- 13 environmental, social, and economic impacts of
- 14 mountaintop removal mining.
- It is the hardest job that I have ever
- 16 done in my job, and I was a teacher for 31 years. So
- 17 that is saying quite a bit.
- 18 It seems, four long years, we have been
- 19 waiting the results of the study, hoping that someone
- 20 would finally listen. Unfortunately, you chose not
- 21 to.
- While we were waiting, we were
- 23 suffering. While you were studying, we were
- 24 suffering. It seems that every study is the same

1 result. We expect something good, and it is always

- 2 something bad.
- In the four years that you were working
- 4 on this study, we have suffered from -- we have
- 5 suffered the decapitation of our mountains, and the
- 6 dumping of valley fills into our streams. We have
- 7 suffered air pollution, dust pollution, three
- 8 devastating floods.
- 9 We have had sludge dumps, sludge dam
- 10 spills, valley-fill failures, et cetera, et cetera,
- 11 et cetera.
- 12 And I could take my five minutes telling
- 13 you of what we studied, but that's not what I'm going
- 14 to do.
- 15 I'm going to tell you that the study
- 16 that you released, shames every member of the
- 17 community. And it deals a death blow to both the
- 18 physical environment and human environment in the
- 19 southern coal fields.
- I am not sure -- I am not sure why you
- 21 chose to side with the coal industry, and with their
- 22 false economics. Maybe, perhaps, you were swayed by
- 23 the threat of lost jobs.
- I am 67 years old, and I have heard that

1 threat since I was six years old. I lived through

- 2 it.
- Why does the coal industry think that
- 4 they are entitled to a job, when the rest of the
- 5 nation, schoolteachers, all types of people, have
- 6 lost their jobs?
- 7 Are we out trying to protect their
- 8 jobs? Have I seen anyone on this committee try to
- 9 protect their jobs? No. It is only the coal
- 10 industry.
- 11 They think that they should take a few
- 12 jobs that they give to a community, and we should be
- 13 grateful.
- 14 They also tell us that we are,
- 15 obligated, to provide cheap energy for the nation.
- 16 Well, we don't think so.
- We have no intentions of allowing this
- 18 to continue. We have no intentions of seeing our
- 19 communities destroyed, our mountains destroyed, our
- 20 heritage destroyed; everything that we hold dear is
- 21 destroyed.
- How many people did you talk to from the
- 23 southern coal fields when you did this study? Did
- 24 you interview anyone in the Boone County area? Did

1 you interview anybody from the impoverished counties

- 2 of Mingo, McDowell, Boone, parts of Raleigh?
- We didn't see you. We didn't hear from
- 4 you. You know, when we send in our comments, we
- 5 seriously think that they are probably not even read.
- 6 I would like to talk a little bit, too,
- 7 about -- well, I wanted to say, something else about
- 8 what, perhaps, changed your mind about what you were
- 9 supposed to do? Perhaps you fell prey to the coal
- 10 industry's economists' point of view.
- 11 Let me tell you about the economy of
- 12 coal. Coal is a false prosperity. It enriches the
- 13 few, to the detriment of many.
- 14 The motto of coal is get as much coal as
- 15 you can with the fewest number of men, and the
- 16 greatest amount of profit, and get out, with -- the
- 17 profit -- as fast as you can.
- I have seen that three times in my
- 19 lifetime. I have seen that happen, and nothing is
- 20 left behind for West Virginia, and nothing is left
- 21 behind for Kentucky.
- 22 Finally, I would like to say something
- 23 about reclamation. You know, one of the gentlemen on
- 24 that site said that they shouldn't have to reclaim

1 these places because it is difficult, you know, it is

- 2 difficult to do.
- 3 They are required by law to reclaim
- 4 these land sites. Nothing has been done in Boone
- 5 County, for Boone County. Four percent have been
- 6 reclaimed, if at all.
- 7 What I am here to tell you tonight, is
- 8 that we are angry, and we wanted to tell you: Hell,
- 9 no, to your study, and hell, no, to mountaintop
- 10 removal mining.
- 11 Thank you.
- 12 MR. CHAIRMAN: Chuck Wrostok.
- 13 And then after Chuck, we will have
- 14 Marian Miller.
- MR. WROSTOK: My name is Chuck Wrostok.
- 16 After Chris Hamilton gave his qualifications, I guess
- 17 I have to say that I am not a native West Virginian.
- 18 But I have been here for 27 years, and I am here to
- 19 stay. I am not going anywhere.
- 20 For the federalities they are here
- 21 tonight, I also want to say that I have 40 years
- 22 experience as a U.S. taxpayer.
- This EIS report is an unhealthy example
- 24 of the type of double speak emanating from

- 1 Washington, D.C., these days.
- 2 I can understand the delay in the
- 3 release of such a document. It has to be
- 4 embarrassing to some of the authors.
- 5 Who would be proud of a document that
- 6 makes such a strong case for protecting the
- 7 environment, while recommending a speedier way to
- 8 destroy it?
- 9 So as a taxpayer, I am formally
- 10 demanding a refund of the \$8 million that you spent
- 11 on this.
- Now if our government was controlled by
- 13 the people, and for the people, we wouldn't be here
- 14 today defending our mountains from mutilation?
- We would not have to deal with the
- 16 perverse logic of an EIS report that tells us of vast
- 17 environmental damage from mountaintop mining, and
- 18 then makes it easier to get permits to do this very
- 19 same damage.
- 20 Am I missing something here? I mean, I
- 21 don't get it, or what?
- 22 We also wouldn't have to deal with the
- 23 dark minds that control the mining industry who would
- 24 destroy one of the world's most diverse ecosystems

- 1 for the sake of profit.
- 2 If we had a government that was
- 3 controlled by the people -- there is already a
- 4 healthy mistrust of the Federal government in this
- 5 neck of the woods, and this EIS report doesn't help.
- 6 Today, miners, drivers and their
- 7 families, are faced with terrible choices. They are
- 8 being asked to transform their woods through hunting
- 9 grounds, their fishing streams into barren wasteland,
- 10 or lose their jobs. It is an awful choice. One that
- 11 they should not have to make.
- 12 Many of them were here today. If you
- 13 look into the hearts of many of the people here, you
- 14 will see many of the neighbors, everyday folks like
- 15 yourselves, thinking about their choice to have a
- 16 home, and a decent life in these hills and hollows of
- 17 this beautiful land; these mountains that God made.
- Some people will say that there will
- 19 eventually be jobs at Walmarts, and fast-food places
- 20 on this reclaimed land, but who could live on minimum
- 21 wage and no benefits?
- 22 By the way, this "reclaimed land"
- 23 phrase, I have a little trouble with. Where I come
- 24 from, we call it a landfill. It is usually filled

- 1 with junk.
- 2 We all have to work together to find a
- 3 way to keep our mountain heritage and have good jobs,
- 4 too.
- 5 If federal agencies can bail out savings
- 6 and loans associations, if they can bail out airlines
- 7 with billions of dollars of money that come out of
- 8 our pockets, then it could help coal-field people
- 9 create good-paying jobs here in West Virginia.
- 10 It is like we are invisible here,
- 11 sometimes.
- 12 Federal subsidies could create jobs in
- 13 alternative-energy research, development and
- 14 construction, jobs with a future.
- 15 Are we to become an energy-sacrifice
- 16 zone, because we can't pull together for a more
- 17 diverse economic future? Surely we can do better.
- 18 Now maybe the Government agencies who
- 19 are so anxious to now communicate with one another,
- 20 could communicate with agencies and see what they
- 21 could do about this.
- There are plenty of people down here
- 23 willing to work. They need the jobs, they have the
- 24 resilience, they have the intelligence, and they have

- 1 the work ethic.
- We are not about to have this
- 3 government, which is controlled by industry, destroy
- 4 our way of life. These mountains are not an
- 5 impediment to progress; they are our soul.
- 6 We reject the premise of having jobs,
- 7 while devastating our land forever is a good thing.
- 8 It is a dead-end path.
- 9 As Woody Guthrie put it, This land is
- 10 our land. The water, the air, the soil that sustains
- 11 us. These are our rights and vital ingredients for
- 12 the common good of everyone.
- 13 A good Government report would not only
- 14 reflect that, but would find ways to sustain the
- 15 common good.
- MR. CHAIRMAN: Sir, you are out of time.
- 17 MR. WYROSTOK: Thank you.
- 18 MR. CHAIRMAN: The next speaker is
- 19 Marian Miller, and then after that is
- 20 Pauline Cantebury.
- 21 May I remind you again, to please adjust
- 22 the mic so that all the people can hear everyone.
- Thank you.
- MS. MILLER: My name is Marian Miller.

1 I live in Sylvester, in a coal-dust town that has

- 2 surrounded us.
- I am against mountaintop removal. We
- 4 need to protect our water streams, and our rivers --
- 5 God gave us these beautiful mountains, not to be
- 6 destroyed.
- 7 I moved to Boone County in 1951. There
- 8 were coal mines and coal camps along Coal River.
- 9 They did not remove the mountain tops years ago, and
- 10 it was a bigger demand for the coal in 1951 when I
- 11 moved to Coal River.
- 12 Why do they have to remove the mountain
- 13 tops now?
- 14 This is where our State, our Federal
- 15 government needs to make laws, enforce them. Don't
- 16 force people out. Don't wait until it is too late
- 17 and we are washed off. Act now on the law.
- 18 When I go to bed at night, I do not know
- 19 if we are going to be flooded after a heavy rain, or
- 20 if an impoundment will break loose. We do not have
- 21 any kind of a warning signal.
- I am between two most endangered
- 23 impoundments. One is across the river from me, and
- 24 one is five miles up the road.

1 Now we think, Are we going to be washed

- 2 down Coal River? Does anybody here really know? No.
- I am not against coal mining, because we
- 4 need coal, and we need jobs, but don't destroy our
- 5 mountains and communities.
- 6 There should be a law of how close the
- 7 mines are built to a town. Before the mountaintop's
- 8 removal, and pollution in Coal River, we could swim
- 9 in the river, we could fish in the river. We could
- 10 take a little canoe ride down Coal River, but they
- 11 are dammed up the river now, and we can't go
- 12 nowhere -- can't fish.
- In the wintertime, we used to go ice
- 14 skating. The Coal River would freeze over. Now what
- 15 is in our river? What kind of chemical is in our
- 16 river that they do not freeze now?
- 17 Now I have got a little picture here I
- 18 want to show you, that the people in Sylvester have
- 19 suffered over a mountaintop removal. Right there,
- 20 (indicating) is where a stoker plant is put about 300
- 21 yards from my home.
- Now on the count of all of the coal dust
- 23 that we are getting from the stoker plant, it has
- 24 ruined our little town.

1 Now my time is almost up, but I just

- 2 want to tell one more thing: We have lost our
- 3 schools, and I feel now that I have lost my home.
- 4 My home is appraised at \$144,000. And
- 5 on the count of the coal dust, it is wort \$12,000.
- 6 It has depreciated. This is what I have worked so
- 7 hard on all my life, and it is only worth \$10,000,
- 8 not enough to bury me.
- 9 My husband was in the War. He fought
- 10 for our country; now I am fighting for my home.
- I am damn mad. Now they say we have no
- 12 pollution; they are crazy.
- This is what we put up with,
- 14 (indicating), coal dust.
- MR. CHAIRMAN: Thank you, ma'am.
- 16 Next speaker is Pauline Cantebury.
- 17 Then the next speaker is Melvin Tyrce.
- MS. CANTEBURY: My name is Pauline
- 19 Cantebury, and I am also from the town of Sylvester,
- 20 West Virginia.
- 21 Whoever said that we don't have any coal
- 22 dust anymore? Up there in the part of West Virginia
- 23 where they say that we don't have any coal dust
- 24 anymore -- well whoever said that here tonight, sure

- 1 has not been in Sylvester in the last five years.
- 2 Because the last five years, the town of Sylvester
- 3 has been totally polluted, demolished, destroyed with
- 4 coal dust.
- 5 This Environmental Impact Statement you
- 6 have made does nothing for the communities.
- 7 You did not even come into the
- 8 communities, you didn't ask us anything. You didn't
- 9 ask us why we were complaining like we were
- 10 complaining.
- I want to tell you what it is like to
- 12 live in the coal field today. Mountaintop removal
- 13 mining of coal fields today is massive ruination, not
- 14 only to the beautiful Appalachian mountains of West
- 15 Virginia, but to every creature whose existence
- 16 depends on these mountains for survival, and to the
- 17 citizens who live in the valley below them.
- 18 Much danger and destruction lurch behind
- 19 a guard shack, at the mouth of those operations.
- 20 Explosions that resemble the Atom Bomb,
- 21 fill the airway with rock dust for miles away,
- 22 covering the valley below, and all those who dwell
- 23 within, with this deadly stuff, which causes
- 24 silicosis.

1 Inadequate runoff ponds are built in the

- 2 hollows that break during heavy rains, hitting walls
- 3 of water gushing down the mountains destroying
- 4 everything and everyone in its path.
- 5 Dams are built up over hollows, holding
- 6 millions of gallons of black slurry, loaded with over
- 7 60 chemicals and varying degrees of age and erosion.
- 8 And seeping into underground mines that are in the
- 9 entire past history, threatening valleys and people
- 10 below them who have no route to safety. Buffalo
- 11 Creek and Martin County, Kentucky, are two good
- 12 examples of what will happen.
- The first of these impoundments is
- 14 released constantly into our streams and rivers.
- The Big Coal River, in Boone County, was
- 16 a free-flowing river. It is now a trickling stream
- 17 blocked at intervals with illegal dams and it is one
- 18 of the most contaminated rivers in the United States
- 19 of America, and it is the drinking water supply for
- 20 that area.
- 21 Illegal substances, such as rock dust
- 22 are disposed of in these impoundments. Unmarked
- 23 tankers and drums travel constantly into these areas
- 24 across our highways.

1 The dark of night hides many things.

- 2 Powdery, black coal dust pours from uncovered
- 3 structures, placed near residential areas, polluting
- 4 the air for miles, destroying citizens' properties,
- 5 homes, and exposing everyone to black lung.
- 6 The entry in the year 2000, had a 100
- 7 percent higher cancer risk than the Clean Water Act
- 8 allows. It is no different today.
- 9 The allotted time period speak here does
- 10 not allow enough to tell all of the vicious acts that
- 11 are being imposed by the citizens of West Virginia in
- 12 the southern coal fields caused by mountaintop
- 13 removal.
- 14 As a fellow Republican, and with due
- 15 respect, I challenge President Bush, and you, the
- 16 impact committee, to come into the hollows and
- 17 valleys of southern West Virginia, and feel the
- 18 explosions shake the house that you are standing in,
- 19 while the walls crumble, and pictures fall to the
- 20 floor.
- 21 And the continuing fear of rock dust
- 22 falling through the air on your body and breathe it
- 23 into your lungs.
- 24 To watch the sun disappear behind the

- 1 clouds. To see the stress, the streams and rivers
- 2 turn black with a chemical-layden slurry, or catch a
- 3 fish with holes eaten into its body from those
- 4 chemicals, and see the animals killed along the
- 5 highway after being driven from their habitat. Then
- 6 show from the odor of the acid runoff from watching
- 7 the toxic slide seep from the valley fills where they
- 8 have filled the valleys.
- 9 Then witness a person dying from
- 10 hemorrhaging lungs, eaten up with coal dust, or a
- 11 black-lung victim, gasping for air into his mouth
- 12 clogged with coal dust.
- 13 And see a child panic, when it rains,
- 14 fearing his home will be destroyed again. Then leave
- 15 our valley of narrow bridges and unkept highways,
- 16 dodging their car between the mountains, and
- 17 overloaded coal truck swerving in your lane. That is
- 18 mountaintop removal mining living.
- I am a coal miner's daughter, and a coal
- 20 miner's wife. I am now a 73-year-old widow, who
- 21 worked 45 years to acquire the home that I have, but
- 22 now my home is worthless. My home is full of black
- 23 coal dust.
- MR. CHAIRMAN: You are out of time.

- 1 MS. CANTEBURY: My home is --
- 2 Sir, I think I have lost enough, if you
- 3 can bear with me this time.
- 4 MR. CHAIRMAN: I'm sorry, ma'am. We
- 5 have several people, but when you get through, you
- 6 can put your comments in the comment box.
- 7 MS. CANTEBURY: Okay. Let me say one
- 8 more thing: On my worthless home, on the wall, is a
- 9 plaque with metals on it. The same metals that
- 10 Jessica Lynch has on her chest.
- 11 My husband fought in three major battles
- 12 in World War II, spending 116 days as a Prisoner of
- 13 War, in Germany.
- I am so glad that he is not here today
- 15 to see the things that he had, for the sacrifices
- 16 that he paid, and see his home like it is today.
- 17 Thank you.
- 18 MR. CHAIRMAN: Melvin Tyrce. Then the
- 19 next speaker will be Bill McCabe.
- 20 MR. TYRCE: My name is Mel Tyrce and I
- 21 am a resident of Hurricane, West Virginia. As long
- 22 as we are keeping count, I am a fifth generation
- 23 West Virginian.
- I have a general comment to make at

1 first, and then I have some specific things about the

- 2 EIS.
- 3 Let's be honest here, okay? Mountaintop
- 4 removal is about a cheap and easy access to a
- 5 nonsustainable energy source.
- 6 It is not about redevelopment. It is
- 7 not about future sustainable energy. It is about
- 8 cheap and quick access to a nonrenewable energy
- 9 source. And that is what it is about.
- 10 Anyway, I think it is going to take a
- 11 long time, but I think we are going to have to adopt
- 12 a society of permanence. A sustainable energy,
- 13 sustainable economic development.
- 14 From my perspective, that is the
- 15 ultimate answer here.
- Anyway, that is my first thing.
- 17 The second comment I got is: What would
- 18 be the Corps of Engineer's criteria from deciding
- 19 between nationwide permit, verses individual permit?
- To me, that is the best concern. The
- 21 process would go a lot quicker with a nationwide
- 22 permit. I think this is a critical issue that I am
- 23 not sure is fully defined yet. I think it is
- 24 something I think we need to look at.

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1 The third thing I had is: Will
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- 2 mitigated or replace wetlands, or waters of the
- 3 United States be equal, in terms of the same quality
- 4 and functionality, and species of diversity of the
- 5 wetlands that were replaced?
- 6 In other words, are we talking quality
- 7 here, or quantity? That is an important thing.
- 8 I am not familiar with the 404 process
- 9 of mountaintop removal, but I have delineated
- 10 wetlands for 404 permit process for other industries,
- 11 and there is a certain amount of accountability there
- 12 in terms of quality in mitigated wetlands, verses
- 13 quality of a destroyed wetland.
- I think that is an important
- 15 consideration, particularly some of these headwaters,
- 16 is really vitally important for downstream energy
- 17 budgets.
- I think that needs to be looked at.
- 19 The fourth thing I got, I am not sure
- 20 from looking through the EIS if this was covered:
- 21 What are the long-term impacts to downstream energy
- 22 budgets from the loss of ephemeral or upper streams?
- There is a lot of ephemeral aquatic
- 24 energy sources, the nutrients that are presented from

1 flowing downstream, when these ephemeral streams are

- 2 buried. I am just wondering about long-term. 20,
- 3 30, 50 years down the road. I am not sure that was
- 4 addressed.
- 5 The other comment I had: How will
- 6 Alternative 3 be financed? I have heard some people
- 7 talk about streamlining, and how we will put this
- 8 under one state agency.
- 9 I used to work for the DEP, and funding
- 10 is something they had very little of. And I don't
- 11 understand how this increased responsibility for the
- 12 State DEP, will be funded, in terms of enforcement,
- 13 permit, review, and that kind of thing.
- 14 The State is now strapped for cash.
- 15 I mean, how are the budgets of the DEP going to
- 16 withstand this nationwide permit process if it is
- 17 passed?
- 18 It is confusing.
- 19 I believe that is it.
- 20 The last thing -- God forbid --
- 21 mountaintop removal continues, I think that we really
- 22 have to seriously look at sustainable replacement in
- 23 terms of economically sustainable development, as
- 24 well as environmentally sustainable environment.

I have heard people talk about that the

- 2 industry representatives say that they don't have a
- 3 crystal ball, but they seem to.
- I mean, if they are coming out here and
- 5 destroying hundreds of thousands of acres of land,
- 6 and burying streams, they must know something that
- 7 the environmentalists don't know in terms of their
- 8 impact.
- 9 So I don't buy that as an excuse for
- 10 not having the proper language in place before these
- 11 permits are issued, guarantees about the development
- 12 of this property. That has been a shortfall in the
- 13 past, and it seems now is the time to correct that.
- 14 If mountaintop removal is allowed to continue.
- 15 Thank you.
- MR. CHAIRMAN: Bill McCabe.
- 17 MR. McCABE: Can I ask the panel a quick
- 18 procedural question?
- MR. CHAIRMAN: What would that be, sir?
- 20 MR. McCABE: I was wondering if there
- 21 are any other citizens of the coal fields that are
- 22 effected by this horrible tragedy that want to
- 23 speak?
- 24 Can I see hands?

Okay. Would it be possible, sir, that I

- 2 yield my time until you hear from -- I am worried
- 3 about your attention span, is what I am worried
- 4 about. And it would be more important for you to
- 5 hear from them, because they are actually taking it.
- 6 Can I swap places with the last of the
- 7 two speakers that would be anti-mountaintop removal
- 8 from the coal fields?
- 9 Sure I can.
- 10 MR. CHAIRMAN: I would have to move you
- 11 to the bottom of the list, sir. That is the only way
- 12 I can conceivably do that.
- 13 MR. McCABE: If moving me at the bottom
- 14 of the list is after the last person who speaks
- 15 against mountaintop removal.
- MR. CHAIRMAN: I don't know who speaks
- 17 for what. That would be the only way to do that.
- 18 Either speak now or move to the bottom.
- MR. McCABE: I am going to yield to the
- 20 expertise of the coal fields.
- 21 MR. CHAIRMAN: The next speaker will be
- 22 Florence -- I am going to guess -- Twu. I may be
- 23 wrong.
- 24 Then the speaker after that will be

- 1 Abraham, M-W-A-U-R-A. I won't even try that one.
- 2 Florence Twu. Then the next speaker
- 3 will be Abraham, M-W-A-U-R-A, after Florence.
- 4 Is Florence here?
- 5 MS. TWU: My name is Florence Twu. I
- 6 grew up in West Virginia, and my family moved to
- 7 Illinois. This is the first time that I have been
- 8 back to the state for 13 years.
- 9 I didn't come back to see flat grassy
- 10 land, there is enough of that in Illinois. I came
- 11 back because all of my childhood memories are
- 12 universally tied up with the mountains in this
- 13 state.
- 14 And I am pissed off, enough to be back
- 15 here working at the Ohio Valley Environmental
- 16 Coalition.
- I am a student at Harvard, and I can
- 18 speak to you about the economics and the terms of
- 19 multi-variable calculus, or parts of derivatives in
- 20 count theory, or cost-benefit analyzes.
- 21 But the first thing you learn in a
- 22 Harvard economics class is that economics gets shut
- 23 out by politics, and that is exactly what has
- 24 happened in this EIS statement.

1 An economic study that was prepared to

- 2 be part of the EIS said that even under the
- 3 restrictive scenarios studied by the DEP, the
- 4 economic cost of dramatically limiting valley fills
- 5 would be minimal.
- 6 There's a study found in the draft EIS,
- 7 or was it discarded because the Bush Administration
- 8 didn't like the results? This is called
- 9 appeasement.
- 10 It is a shame if you cannot come up with
- 11 an answer that is more humane. And I can't even
- 12 believe how much I have learned from these people
- 13 here. But I don't need my degree to tell you that
- 14 this is wrong.
- 15 But of my time here, it is just -- I am
- 16 going to use my education to stop this. And I think
- 17 you are smart enough to know that this is not the
- 18 right thing to do.
- 19 MR. CHAIRMAN: Abraham -- I am not sure
- 20 how to pronounce the last name, M-W-A-U-B-A. (sic)
- 21 And then after Abraham, we'll have Jason
- 22 Sneed.
- MR. MWAURA: Thank you gentlemen, and
- 24 ladies. My name is Abraham Mwaura. I am from

- 1 Huntington, West Virginia. I work with OVEC.
- 2 MR. CHAIRMAN: Can you speak up?
- MR. MWAURA: Okay. Abraham Mwaura,
- 4 Huntington, West Virginia. I work with OVEC.
- I guess I am just going to continue
- 6 participating in this frustrating stating of the
- 7 obvious. I have Tylenol with me. I didn't have
- 8 selenium with me.
- 9 I am going to put a nontoxic dose of
- 10 Tylenol in my nonrenewable resource.
- 11 Then now I am going to talk to you about
- 12 stuff you already know. I mean you wrote a whole
- 13 report on this stuff. You guys better know this
- 14 stuff, you know the impact of mountaintop removal,
- 15 but I am going to say it anyway to you, so bear with
- 16 me.
- 17 There has been a grave error, first of
- 18 all, in your statement. The one I received was on
- 19 the environmental impacts of mountaintop removal, and
- 20 you sent one on the economic impact of mountaintop
- 21 removal to the coal guys, because they came up here
- 22 and talked about coal, and economic development, and
- 23 all sorts of good things moneywise, that is going to
- 24 come from coal, different statements.

1 The coal industry loves, and often says

- 2 that mountaintop removal only affects one percent of
- 3 the state.
- 4 In fact, they recently revised that
- 5 figure to two percent. Remember, mountaintop removal
- 6 happens in southern West Virginia, not in the north,
- 7 so it is not the whole state.
- 8 Several years ago, CNN reported that
- 9 over 20 percent of the land mass in some county has
- 10 been subject to mountaintop removal.
- It is probably more now. We're talking
- 12 about counties like Boone, Logan, and Mingo. This
- 13 huge land disturbance obviously creates massive
- 14 problems.
- Take the last few years, flooding, as an
- 16 example. But you guys know this, remember?
- 17 Remember that when the coal industry
- 18 tells you how much it puts into the state in terms of
- 19 taxes, remember what we pay, and pay, and pay, to
- 20 clean it up.
- 21 The EIS needs to include a full
- 22 accounting of all tax subsidies that coal industry
- 23 gets. Remember the billion dollar super tax credit
- 24 that was supposed to create jobs, and instead was

1 used to buy giant machines that replaced loads of

- 2 miners; remember?
- 3 The EIS should have a full accounting of
- 4 all of the externalized costs associated with
- 5 mountaintop removal.
- 6 This industry continues to pit
- 7 working-class people against working class people,
- 8 while whisking profits out of state and leaving us,
- 9 our children, and our children's children a fiscal,
- 10 social, and environmental bill that will be
- 11 impossible to pay.
- 12 The draft EIS fails to note the act of
- 13 environmental terrorism that are being committed
- 14 right here in Appalachia.
- Some have been saying that we need to
- 16 sacrifice West Virginia's mountains, so that the
- 17 nation can have cheap energy without relying on
- 18 foreign sources of energy.
- 19 Arthur Dennis Burke, using government
- 20 statistics -- Government statistics -- calculated
- 21 that 2,500 tons of explosives are used against the
- 22 Appalachian mountains each day.
- 23 That is every four days more explosives
- 24 are used in mountaintop removal coal mining that were

1 used in the post 911 bombing of Afghanistan in the

- 2 hunt for Bin Laden.
- In the long run, no amount of bombing of
- 4 own our coal fields, will ever give us homeland
- 5 security.
- In fact, the ironic thing is that this
- 7 bombing is destroying our homeland. But again, you
- 8 guys know this, you wrote a report on it.
- 9 Our nation's energy appetite shouldn't
- 10 and needn't drive us to justify such massive
- 11 cruelties to people and the land that supports us.
- 12 There are alternatives. The World Watch
- 13 Institute says that renewable cleaner energy
- 14 technology are advanced enough to satisfy the world's
- 15 energy needs now. That is without whole-hearted
- 16 government support for research and development in
- 17 these technologies.
- Just think what we could do if we had
- 19 Manhattan Project Org. alternative energies. World
- 20 watch says the main thing lacking in getting
- 21 alternative energy in place, is the political Bush.
- The EIS needs to expose Bush
- 23 Administration ties to fossil fuel energy industry
- 24 and it needs to recommend that we begin a full-scale

- 1 switch to alternative energy.
- 2 Bring that industry to the coal fields.
- 3 That way, we can have jobs, as well as a future.
- 4 MR. CHAIRMAN: You are out of time.
- 5 MR. MWAURA: Now I dare one of you to
- 6 drink the water that I just put a safe amount of
- 7 Tylenol in over a period of 20, or 30 years, in a
- 8 nonrenewable resource, our water. But the dose of
- 9 selenium that I put in is safe.
- 10 MR. CHAIRMAN: Is Jason Sneed here?
- 11 (No response.)
- MR. CHAIRMAN: Okay, the next person the
- 13 Connie Lewis.
- 14 Is Connie here?
- Okay. Connie will be speaking next and
- 16 after Connie it will be Paul Nelson.
- MS. LEWIS: Before I begin my formal
- 18 remarks, I have only lived in West Virginia for 32
- 19 years since I finished graduate school at Penn State.
- 20 But I married a man whose family has
- 21 lived in the Kanawha Valley for 220 years.
- I would also like to say that flat land,
- 23 a good transportation infrastructure, and a
- 24 willingness to work for it, for all that is needed

- 1 for economic development, please explain to me
- 2 Youngstown, Ohio, and Flint, Michigan, and many of
- 3 the other cities in the west coast, from which I have
- 4 hailed.
- 5 MR. CHAIRMAN: Can you speak into the
- 6 microphone, please?
- 7 MS. LEWIS: In a report prepared for
- 8 West Virginia Manufacturers' Association, in 1925, a
- 9 book entitled, "The Tax Problem in West Virginia"
- 10 The conference board said this about land, and I
- 11 quote:
- "Land is a common heritage of the human
- 13 race. Hence its destruction has always been looked
- 14 upon as an insult to the welfare of human society."
- "Unlike a healthy climate, water supply,
- 16 and similar assets which are owned collectively by
- 17 the entire community. The natural resources within
- 18 the depths of the earth are subject to appropriation,
- 19 exploitation, and utter destruction."
- 20 "Through the operation of natural
- 21 processes, processes over centuries, and centuries,
- 22 these assets of the human race have been accumulated
- 23 for the benefit of mankind; however, once depleted,
- 24 society has sustained an irretrievable loss, and

1 future progress is thereby considerably retarded."

- 2 And you have heard many stories that
- 3 verify that statement from the conference board. If
- 4 it was true 80 years ago with the destruction of land
- 5 looked upon as an insult to the welfare of society.
- 6 It is certainly true now. And if it is
- 7 bad for society, it surely cannot be good for the
- 8 economy, and it surely cannot be good for the future
- 9 of West Virginia and it cannot be good for the
- 10 environment, also known as our life support system,
- 11 or the plants and animals dependent on the land.
- 12 If it was true 80 years ago, that a
- 13 plentiful water supply was a community asset, it is
- 14 certainly true now.
- 15 And covering up streams and destroying
- 16 our water wells, certainly cannot be in the best
- 17 interest of the community. It cannot be good for its
- 18 economy, and it could not be good for its future.
- 19 And of course, it cannot be good for the environment,
- 20 or the plants, and animals dependent on the water
- 21 supply.
- 22 It is also true that small alterations
- 23 in land, and land use, can affect the climate of a
- 24 small space. Cities, for instance, are warmer than

1 the surrounding rural areas, and Israel discovered

- 2 that planting citrus orchards changed rainfall
- 3 patterns.
- 4 So it is also true that removing
- 5 mountaintops, and scraping the lands bare, and using
- 6 the native hardwood forest, is probably affecting a
- 7 climate, again, in small spaces.
- 8 But I don't think you studied that, and
- 9 I think you should have.
- 10 Even farmers, and gardeners know that
- 11 their land can have several different microclimates.
- 12 Destroying seven percent of the forest in this region
- 13 also affects the weather in unpredictable ways.
- 14 Wouldn't thousands of suddenly treeless
- 15 areas impact runoff from flooding?
- Oh, you have already discovered that,
- 17 the DEP says so.
- 18 Given all this, it only makes sense to
- 19 move cautiously and to require stringent regulations
- 20 when allowing a company to make a permanent,
- 21 uncorrectable land alteration for a short-term
- 22 economic purpose.
- 23 All the alternatives in the EIS prevent
- 24 the long-term protection of the land, and the water,

1 and the human and natural communities dependent upon

- 2 them.
- 3 The proposals in the EIS assume that the
- 4 problem is with the cumbersome bureaucracy; that is
- 5 wrong.
- 6 The problem is with the destruction of
- 7 the land and the waters. It should be beneath the
- 8 dignity of the professionals in the agency, to
- 9 participate in the destruction of water supplies.
- 10 It should be beneath the dignity of the
- 11 Army Corps and the Fish & Wildlife, and the others,
- 12 to allow the stream-buffer rule to be cast aside like
- 13 an outgrown toy.
- 14 The EIS appears to begin with the
- 15 predetermined results, that mountaintop removal
- 16 mining should continue unimpeded. That is not
- 17 science. That is politics.
- To begin with a result, is inherently
- 19 unscientific. And anything unscientific should be
- 20 beneath the dignity of the professionals in these
- 21 agencies.
- The report should have supported the
- 23 stream-buffer rule, should have further limited the
- 24 size of valley fills, mandate the reforestations of

1 all sites not ready for development, protected water

- 2 supplies, and should have supported the people of the
- 3 region who must live with the consequences of
- 4 destructive mining practices.
- 5 Several hundred thousand acres sitting
- 6 idle indicate that there is not a viable market for
- 7 flat land in these 14 counties.
- 8 We know that the damage caused by
- 9 mountaintop removal mining is widespread, severe, and
- 10 destroys communities.
- 11 We know that it is getting worse, not
- 12 better and that too much of southern West Virginia
- 13 will be a moon state, except where it will be in
- 14 metal.
- MR. CHAIRMAN: You are out of time.
- MS. LEWIS: Governmental efficiency is
- 17 proposed in this report. It sounds as though the
- 18 Federal government is proposing a final solution for
- 19 our mountains.
- 20 MR. CHAIRMAN: Paul Nelson.
- 21 After Mr. Nelson we are going to take
- 22 our last five-minute break.
- MR. NELSON: My name is Paul Nelson and

- 1 removal.
- 2 Here I have a paper that has got 363
- 3 issued mining permits, not counting the ones that are
- 4 waiting to be issued -- pending.
- 5 You keep talking about MTR creates
- 6 jobs. Well, actually it takes away jobs.
- 7 I was a deep miner. If we mined this
- 8 much mineral bone, (indicating) the companies frowned
- 9 in eight-foot coal. But if you look along the roads,
- 10 you can see 400-feet plus. They will go for a seam
- 11 of coal this big and make money, now, that don't add
- 12 up.
- Talk about where the economics are at,
- 14 it is not here.
- 15 Another thing, we live in the United
- 16 States. This flag is what we live under, and the
- 17 Constitution -- it is like I have read, it is not
- 18 saying that any one person has the right, or any
- 19 certain people to have the power to dominate the
- 20 whole world with destruction, or give us terrorism.
- 21 It is supposed to be a free country. We are not
- 22 supposed to live in terrorism.
- 23 These are the kinds of things that we
- 24 live with in our own countries. Many of you have

- 1 been to Vietnam, you have seen soldiers lost, and
- 2 killed due to booby traps. Booby traps is what is in
- 3 our mountains.
- What if your kids, or someone you know
- 5 gets on it, if you do this, you go to jail. This is
- 6 illegal, then why is nothing being done?
- 7 It is so sad. When I stand up, I pledge
- 8 my flag, I do it with pride.
- 9 When I am seeing what I am seeing,
- 10 working with the few coal companies, the barrens are
- 11 doing, they are laughing at this flag. They may as
- 12 well burn it, as they did in the years that passed,
- 13 because it means nothing to them to flagrantly break
- 14 the laws that give us this freedom.
- What more do we have to do? We don't
- 16 want to live in Afghanistan, this is our home. We
- 17 have the richest coal in the United States, here in
- 18 Boone County.
- 19 They can mine that mine responsibly, and
- 20 they would do it right because it is there, and they
- 21 want it, it is the richest coal. They can deep mine
- 22 that coal and put everybody to work that wants to
- 23 work.
- 24 The mines that I was at was 300-plus

1 men, and they could have used that many more. 20 men

- 2 can run a strip, and the biggest part of them don't
- 3 even live in this state. Because they come in from
- 4 Alabama, and everywhere else.
- 5 On the weekends, their money goes out of
- 6 this state. It is not right. So what do we live in?
- 7 We live in the United States; we are not a
- 8 third-world country.
- 9 That is all I have to say.
- 10 Thank you.
- 11 MR. CHAIRMAN: Thank you. We will be
- 12 taking a five-minute break. We do have several more
- 13 speakers, so let's try to get back on time.
- 14 The next two speakers right after the
- 15 break will be Monty Fowler, and Denise Giardina.
- Just take a five-minute break, and hurry
- 17 back as soon as possible.
- 18 Thank you.
- 19 (Five-minute break.)
- MR. FOWLER: For the record, you got
- 21 mine right. Way to go.
- 22 My name is Monty Fowler, I am from
- 23 Huntington, West Virginia. No, I have not lived here
- 24 my entire life.

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1 Three observations, and then two
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- 2 comments. First, I used to be a reporter in a past
- 3 life, and we had a name for reports like this, we
- 4 called them doorstops, because that is the only
- 5 useful purpose they should ever serve.
- This gentlemen, is a 4,000-page
- 7 doorstop.
- Because for one thing, it is misnamed.
- 9 You call it mountaintop mining, it is called
- 10 mountaintop removal. You need to call it what it
- 11 is.
- 12 Second, there were studies done on the
- 13 cumulative economic impacts of the proposed
- 14 regulations; where are they?
- I paid for them. I want them in the
- 16 final report, because they show that the cumulative
- 17 economic impact of regulating mountaintop removal
- 18 mining, are minimal. I want those in the final
- 19 report.
- 20 Thirdly, the cumulative environmental
- 21 impacts are not discussed in anything other than
- 22 vague generalities that agree that well, mountaintop
- 23 removal mining, might possibly be bad. Duh.
- I know that studies were done that

- 1 looked at the cumulative economic impact of
- 2 mountaintop removal mining. They indicated that the
- 3 cumulative impacts were very great and were
- 4 permanent.
- 5 I want those studies, and those
- 6 conclusions in the final report. I paid for them; I
- 7 deserve to have them in there.
- 8 Two comments: Number one, none of us
- 9 would have to be here tonight if you guys, OSM, DEP,
- 10 EPA, Corps of Engineers -- to an extent, Fish
- 11 & Wildlife -- did your jobs and enforced the
- 12 regulations that we have now. We have wasted \$8
- 13 million because you guys have let the coal industry
- 14 do basically what they wanted since probably the dawn
- 15 of time, certainly before I was on this planet.
- 16 Number two: For you coal guys, I have
- 17 heard several of you speaking during the break, I am
- 18 happy to provide your evening's entertainment. I
- 19 know you think this is a big joke, and that we are
- 20 just here for you to laugh at, but just remember, to
- 21 us, this is deadly serious. And in the end, we will
- 22 win, because we have better t-shirts than you do.
- Thank you.
- 24 MR. CHAIRMAN: Denise Giardina. And

- 1 then after Denise, will be Jason Bostic.
- 2 MS. GIARDINA: I am Denise Giardina. I
- 3 grew up in the coal fields. I live now in
- 4 Charleston.
- I am a lay preacher in the Episcopal
- 6 Church, so this will be a sermon.
- 7 I have no illusions about the nature of
- 8 this hearing. It is not a hearing where no one is
- 9 listening.
- 10 My apologies to you folks. I should
- 11 say, no one with any power is listening. If you had
- 12 any power you wouldn't be here.
- 13 This gathering is like a show trial in
- 14 the Stalin Soviet Union. Judgment against the
- 15 mountains has already been pronounced and we are just
- 16 going through the motions.
- 17 The Bush Administration has every
- 18 intention of allowing the continued destruction of
- 19 the Appalachian mountains.
- 20 And let me point out in fairness, that
- 21 when I say the Bush Administration, I also mean the
- 22 Clinton Administration before it, and the first Bush
- 23 Administration, and the Reagan Administration.
- I have come to speak despite the

1 scepticism, because I am called as a Christian to

- 2 speak a word of truth to power.
- I know that most of the power has left
- 4 the room, but some of it is still back there, and you
- 5 gentlemen are in big trouble, so I hope you listen
- 6 carefully.
- 7 The coal industry has absolute power, or
- 8 so it believes, that God says neither principalities,
- 9 nor power, can separate us from his love. God also
- 10 told us in Romans that the whole creation will be
- 11 redeemed.
- 12 As a Christian, I am told that I should
- 13 not judge, and yet God does call me to say that
- 14 judgment has indeed been pronounced.
- Repentance is still possible, but living
- 16 at the expense of others, worshiping money and
- 17 worrying where it comes from, cursing others with
- 18 power, destroying God's creation, these are the ways
- 19 to eternal death.
- I say this not as a judgment, but as a
- 21 warning. The way to eternal life lies elsewhere.
- These mountains were the first God
- 23 created, and if they dare to hold a very special
- 24 place in his heart, I would not be surprised.

I say this to give comfort to those of

- 2 you who also love these mountains, because so often
- 3 we despair what has already been lost.
- 4 The coal industry is right about one
- 5 thing, and only one thing: These mountains out there
- 6 have not been destroyed, these mountains still exist
- 7 in the mind of God.
- 8 And God will restore them, as only God
- 9 can.
- To claim that a coal company could put
- 11 back God's handiwork, or that the Government can
- 12 regulate it, is blasphemy.
- 13 It is to worship before an idol made of
- 14 coal.
- One day, everyone in this room; man,
- 16 woman and child, will lie under the ground, or be
- 17 scattered over the earth.
- 18 My faith tells me that Jesus Christ will
- 19 return to this earth to judge the living and the
- 20 dead. There shall be a new heaven and a new earth.
- Those who live by the compassion, to
- 22 care for God's world and its creatures, who have put
- 23 their trust in God, rather than money, will be raised
- 24 to new and eternal life.

1 Those who have lived life based on

- 2 greed, and power and destruction, those who have put
- 3 these things ahead of the love of God, and their
- 4 fellow human beings, those who destroy God's
- 5 creation, or allow it to be destroyed, will die
- 6 eternally, they will have only one soul. And on top
- 7 of their graves, will be reborn in all of their
- 8 glory, the most beautiful mountains that God ever
- 9 created.
- 10 I close with the words of the Prophet
- 11 Amos, "For woe he that formath the mountains, and
- 12 created the wind, and declared unto man what is His
- 13 thought that maketh the morning darkness, one
- 14 treadeth upon the highest places of the earth, the
- 15 Lord, the God, the Host, is his name, and you cannot
- 16 stand against him."
- 17 MR. CHAIRMAN: Jason Bostic.
- 18 Then after Jason will be Nick Carter.
- MR. BOSTIC: Good evening. I am Jason
- 20 Bostic, the Regulatory Affairs Specialist for the
- 21 West Virginia Coal Association.
- 22 For the record, I am a life-long
- 23 resident of the coal fields of West Virginia, having
- 24 spent most of my life on Cabin Creek, West Virginia.

1 Like my colleague, Mr. Hamilton, who

- 2 spoke to you earlier, I am speaking tonight to urge
- 3 the adoption of Alternative 3.
- 4 The U.S. Army Corps of Engineers
- 5 regulations provide for the issuance of general, or
- 6 nationwide permits. In cases where proposed
- 7 activities are similar in nature, and have only
- 8 minimal, individual, and cumulative impacts.
- 9 The draft EIS finally provides clear and
- 10 convincing evidence that mining has minimal and
- 11 temporary impacts, and as such, should qualify for
- 12 authorization under a nationwide Permit 21 process.
- 13 For example, the United Technical
- 14 Studies tell us that if mining were to continue, even
- 15 without any of the new restrictions proposed, the
- 16 United states West Virginia will remain one of the
- 17 most heavily forested states in the nation.
- 18 Other terrestrial technical studies have
- 19 found that mining's temporary disturbance to
- 20 West Virginia's landscape. It is fostering a diverse
- 21 bird/animal habitat.
- 22 Species that are generally declining in
- 23 this state, are found in abundance on mine sites. If
- 24 mining continues at current levels, only 2.5 percent

1 of the streams in West Virginia will be impacted by

- 2 mining activities.
- 3 Again, this assessment assumes that the
- 4 guidelines, and the other measures described in the
- 5 EIS, will never be implemented.
- 6 Other technical studies as part of the
- 7 EIS, have also found that valley-fill construction of
- 8 mining activities, from adversely impacting streams.
- 9 A macrophyte vertebrate, or bug study,
- 10 found that streams and valley fills from their
- 11 headwaters are in good, to very good condition.
- The same study found that mining
- 13 activity was not contributing to excessive streambed
- 14 sedimentation.
- 15 A chemistry study found that certain
- 16 mineral constituents, are generally elevated
- 17 downstream of valley fills. But according to the bug
- 18 study that I mentioned earlier, which showed field
- 19 streams to good, to very good streams, the elevated
- 20 parameters are not causing an adverse impact.
- 21 Even more important, as far as the EIS
- 22 is concerned, is the conclusion that any earth-moving
- 23 disturbance in central Appalachia will have similar
- 24 downstream results, because of the very nature and

- 1 geology of the soil in the area.
- 2 An additional advantage of Alternative
- 3 3, is that it ensures the maximum level of public
- 4 participation in the permitting process.
- 5 The Surface Coal Mining and Reclamation
- 6 Act is perhaps the most citizen-friendly law in
- 7 existence in the United States today.
- 8 Further participation in the permitting
- 9 process is an inherent theme found throughout both
- 10 the statute, and the implementing regulations.
- 11 And finally, Alternative 3, would
- 12 facilitate an expedited permitting process for mining
- 13 operations by placing the majority of the
- 14 decision-making responsibility, with the agency best
- 15 suited to make those decisions, the SMRCA authority.
- AUDIENCE MEMBER: We can't hear you.
- 17 AUDIENCE MEMBER: Time.
- 18 MR. BOSTIC: I can do it again.
- 19 Thank you.
- 20 MR. CHAIRMAN: Nick Carter. Then after
- 21 Nick Carter will be John Taylor.
- 22 Is Nick Carter here?
- 23 (No response.)
- MR. CHAIRMAN: He spoke earlier, he did.

- John Taylor?
- 2 Then after John will be Fred Sampson.
- 3 MR. TAYLOR: John Taylor. Resident of
- 4 Rand, Kanawha County, West Virginia. I am a board
- 5 member of the Ohio Valley Environmental Council and
- 6 also the West Virginia Environment Council.
- 7 You all are the daddy's and mama's of
- 8 this -- I guess this is your vision. But after
- 9 reading it and listening, I have to quote from Hank
- 10 Williams, Jr., "If this is the Promised Land, I have
- 11 had all that I can stand."
- 12 Let me pick up a theme that some of the
- 13 brothers and sisters have talked about, and that is
- 14 creation and spirituality, and so forth.
- The last speaker talked about the Book
- 16 of Amos. One of my favorite books. And one of the
- 17 quotes from there is, "Woe to those who are at ease
- 18 in Zion."
- 19 You all are at ease in Zion.
- 20 Waters of righteousness will pour down
- 21 over you.
- I want to talk about some things that
- 23 are all written in a book. First, we will talk about
- 24 the creation as described in the first two chapters

- 1 of the Book of Genesis.
- 2 You all know this, you go to Sunday
- 3 School, church. It says, God created everything,
- 4 found it good. In fact, God found it very good. And
- 5 there is mention explicitly of mountains.
- 6 The destruction of mountaintop removal
- 7 coal mining, I hope you all have seen it. I hope you
- 8 all understand that each blast is 30 times bigger
- 9 than the blast that took out the courthouse in
- 10 Oklahoma City.
- 11 You do know that, don't you? I mean,
- 12 you did write this.
- 13 Paul tells us in Galatians, Chapter XI,
- 14 Verse XII. "God is not mocked."
- 15 God is not mocked.
- What you all are doing, or approving of,
- 17 is a mockery of God's creation. You will reap what
- 18 you sow.
- 19 Chris Hamilton, and Mr. Bostic told us
- 20 that this will reap dollars in tourism, and other
- 21 commercial benefits.
- I am sorry, Chris, I thought you had
- 23 more depth to you. We are sowing -- you are not
- 24 going to harvest dollars from tourism. What do you

- 1 think, do you think they will come to look at it?
- We are going to reap -- we are reaping
- 3 bare dirt, dry rocks, water that is previously
- 4 befouled, barren soil, floods; that is what we will
- 5 reap. Because of what is being sowed here.
- God is not mocked.
- 7 That is what I have to say.
- 8 AUDIENCE MEMBER: Amen.
- 9 MR. CHAIRMAN: Fred Sampson. Then the
- 10 next speaker is Leon Miller.
- 11 MR. SAMPSON: Fred Sampson. Clay
- 12 County.
- We will soon have a 1,734.08 mountaintop
- 14 removal line up in Clay County. Where there has
- 15 already been approximately 30,000 acres in Clay and
- 16 Mingo County, Nicholas County that has been torn up
- 17 by surface mining.
- I am totally opposed to the method of
- 19 mountaintop removal mining. This EIS seems to be a
- 20 sham in that it tells about all of the devastation
- 21 caused by mountaintop removal mining. And yet there
- 22 are alternatives that they are going to let it
- 23 continue. That is not consistent.
- 24 We expect our Federal agencies and our

1 state agencies to be consistent. We also, citizens

- 2 of West Virginia, believe in holding folks
- 3 responsible.
- 4 You all are responsible and so you will
- 5 be held responsible.
- 6 West Virginians are provided by our
- 7 Constitution, the right to pursue life, liberty and
- 8 happiness, without fear of: a., having their houses
- 9 blown off their foundations; b., having their water
- 10 supply destroyed; c., children unable to play in
- 11 yards, due to blasting be allowed within 700 feet of
- 12 a home, yet no miner with a hard hat, is allowed
- 13 within 1,000 feet of blasting; d., flooding washing
- 14 away all of our possessions, as well as human life;
- 15 e., fear of all of the above.
- 16 Fear, being the most important.
- 17 If you have ever lived with fear, you
- 18 know what I am talking about. If you haven't lived
- 19 with fear, you should sometimes be afraid.
- 20 Previous speakers have told you why.
- 21 The EIS calls for more protection that
- 22 the current administration and King Coal has.
- 23 Where will us citizens get the full
- 24 level of protection promised in our National

- 1 Constitution. We asked you all to do it.
- We expect it from you.
- 3 Any mine this large, as large as this
- 4 one involved, should be allowed within 100-feet
- 5 buffer zone of our streams, and should not be
- 6 allowed.
- 7 Any mining done within 100-foot buffer
- 8 zone of streams is illegal, at present, and should
- 9 remain illegal.
- 10 Friends of Coal are here this evening,
- 11 and the ones that are present, and others, they are
- 12 friends of death and the destruction, caused during,
- 13 and after the mining of coal.
- 14 Coal, when you burn it, goes up into the
- 15 air, and causes acid rain and asthma, and other
- 16 things.
- I am 73-years-old, I carry this at all
- 18 times because of the air I am breathing.
- 19 One of the last things that I want to
- 20 talk about off the top of my head, is that I am
- 21 totally uncomfortable when I am in flat country. I
- 22 can't hardly stand western Texas, or Illinois.
- 23 Mountains are my home, the trees on our
- 24 mountains are my protection, my comfort. I don't

- 1 believe that I can live in flat country. We don't
- 2 need anymore flat country here in West Virginia. We
- 3 need to leave the mountains the way they are.
- 4 I appreciate you coming.
- 5 Thank you.
- 6 MR. CHAIRMAN: Leon Miller.
- 7 Then after Mr. Miller will be
- 8 Larry Gardner.
- 9 MR. MILLER: Hi. I am Leon Miller. I
- 10 am from Ripley, West Virginia.
- 11 My home is originally Boone County, my
- 12 wife's family lives in Lincoln County, right near the
- 13 Hoebet 21, Massey mine.
- We have watched them for 20 years,
- 15 they've worked all the way around us. We have
- 16 endured it.
- 17 And our understanding, the home place
- 18 was left to my wife's father, and his seven brothers
- 19 and sisters. And we understood that it was going to
- 20 be a meeting place that could never be sold.
- 21 Well, our family found out something
- 22 different that we didn't know, so he went to Florida,
- 23 and he went to Kentucky, and he went to Illinois, and
- 24 he found people that was willing to sell.

- 1 So I am sure that there is not five
- 2 people in this audience other than a coal company,
- 3 knows what a partition is. When they get one -- all
- 4 they have to do is get one person to sell, and then
- 5 they can force the rest -- they can force it into the
- 6 courts, and then the Judge decides in whose best
- 7 interest it is.
- 8 Well, they have got two-thirds of it.
- 9 The rest of it stood standing. And we stood still.
- 10 The fact of the matter is that my wife and I bought
- 11 it as soon as our cousins were going to sell. We
- 12 used our life savings to try to save it.
- We went through the courts of Lincoln
- 14 County. The judge decided that the best use of land
- 15 was for the coal company. He didn't consider -- a
- 16 partition suit is supposed to be, can you divide the
- 17 land? We got a mining engineer that did a study, and
- 18 he concluded that every bit of the coal on the land
- 19 could be mined, and we could stay on the 25 acres
- 20 that were still remaining.
- The judge decided that was not good, and
- 22 he thought that we shouldn't really waste anymore of
- 23 our money pursuing this thing. We did, and we are.
- 24 It is in the State Supreme Court; we have used our

- 1 whole life savings working on it.
- We don't know whether we are going to
- 3 win it or not. I always thought that if you paid
- 4 your taxes and lived right, that life was fair.
- 5 Life is not fair. The coal company and
- 6 the big business is running this country. And they
- 7 have ruined this country.
- 8 All we need is some help. We need some
- 9 help. We need some help from you people. We are all
- 10 going to live for a while, and you think we are going
- 11 to live like this forever, but we're not. One of
- 12 these days, we are going to answer.
- I have got to answer for mine, and I
- 14 don't have to look back too much for my answers. I
- 15 hope you don't.
- Thank you.
- 17 MR. CHAIRMAN: Blair Gardner.
- 18 And then Elaine Purkey.
- MR. GARDNER: Mr. Chairman, good
- 20 evening. My name is Blair Gardner. I am an attorney
- 21 here in Charleston, West Virginia, with the law firm
- 22 of Jackson & Kelly.
- I live here in Charleston. I have
- 24 resided here for two years. I have worked on various

- 1 aspects of this document this evening that we are
- 2 commenting on. Both with my present employment, and
- 3 previously with my employment with a major coal
- 4 company, that have mining operations here in West
- 5 Virginia.
- I do not have prepared remarks. I can
- 7 tell you that I cannot speak with the eloquence of
- 8 some of the speakers, such as, Ms. Giardina this
- 9 evening. But I will try to make my remarks at least
- 10 more temperate than some that I have heard from
- 11 members of the audience.
- 12 Members of the panel, contrary to what
- 13 some people here this evening have thought, the EIS,
- 14 as you know, is dedicated to a process. It was not
- 15 dedicated to an outcome.
- We have spent four years, millions of
- 17 dollars, I am certain. We have had a study that I
- 18 believe I have been told weighs 38 pounds.
- 19 Surely, if the process of mining by full
- 20 extraction method is as destructive as so many people
- 21 here have described; why would it take so many pages
- 22 to describe that process?
- The reason is because it is not
- 24 destructive in the way that people have described it.

We have found two significant, perhaps,

- 2 consequences, of this form of mining that has been
- 3 studied. One, that there is a change in the
- 4 distribution of population of certain insects in
- 5 streams below valley fills.
- 6 Second, as people have noted, there is a
- 7 difference in the water chemistry. In some cases, it
- 8 does not comply with current Clean Water Act
- 9 standards. That is it.
- 10 We have spent four years, and millions
- 11 of dollars to learn what I think people probably knew
- 12 prior to the time that this study began.
- 13 It is time to end the process. It is
- 14 time to come to conclusions. The mining industry in
- 15 West Virginia has been told at nauseam is that it is
- 16 a competitive industry competing not only for the
- 17 mines, elsewhere in the region, but elsewhere across
- 18 the United States.
- 19 Over the last four years, the industry
- 20 in this state has been subjected to standards not
- 21 applied anyplace else in the United States. The
- 22 industry is prepared to accept the outcomes of the
- 23 EIS.
- We prefer Alternative 3, in terms of the

- 1 process, but it is time to bring this to a close.
- 2 Give the companies that are attempting to mine coal,
- 3 clear process and standards that they can meet and
- 4 let them get on with the business of mining coal.
- 5 As it has already been stated, the
- 6 process for permitting mines is open to challenge
- 7 repeatedly throughout the process.
- If people here this evening, or others,
- 9 who oppose it, do so; they have the opportunity
- 10 afforded by the law and have been afforded for the
- 11 last 25 years.
- 12 One final comment, one of the companies
- 13 that currently mines coal in West Virginia last month
- 14 announced that it was making a major investment in
- 15 acquiring new operations in Wyoming.
- The amount of money that has been
- 17 announced in that transaction, is about the amount of
- 18 money, I believe, it would take to capitalize the
- 19 Bruce Fork mine that was closed by the first
- 20 litigation in Bragg vs. Robinson, that was commenced
- 21 here in U.S. District Court, back in 1998.
- I, for one, am disappointed that that
- 23 investment has gone out west, and not here to West
- 24 Virginia.

I have known many, many people here in

- 2 the industry in West Virginia, who have worked. The
- 3 one thing that I can observe about all of them is
- 4 they want a job, but they want it here in
- 5 West Virginia. Let's bring this process to a close,
- 6 and try to accomplish that.
- 7 Thank you very much.
- 8 MR. CHAIRMAN: Elaine Purkey.
- 9 The next speaker will be Sharon Murphy.
- 10 MS. PURKEY: My name is Elaine Purkey,
- 11 and I am from Lincoln County, West Virginia.
- 12 I would like to answer one of the
- 13 questions that he just asked. What if we spent four
- 14 years, and millions of dollars doing? Trying to call
- 15 a pure hell, heaven, that is exactly what we have
- 16 tried to do.
- 17 That is what it was set out to do it was
- 18 trying to call mountaintop removal something that it
- 19 wasn't, and they have tried it they have done it four
- 20 years. It was supposed to have been two years, and
- 21 they changed it to four.
- 22 On paper it looks real good. The facts
- 23 look real good on paper, but all of these people down
- 24 here are living proof that it does not work. What is

- 1 on that paper does not work.
- 2 They are living in the hell that those
- 3 numbers on the paper create every day. And they fear
- 4 for their lives every day.
- I did not come here to say that, but I
- 6 do want to say that I do disagree with -- I want to
- 7 vote against -- if there is any such thing as
- 8 voting -- active Alternative 3. And my reason for it
- 9 is because the coal industry is for it, and my 33
- 10 years of experience with mining, is that if anything
- 11 is good for the industry, it is bad for the people.
- I was asked to come here to sing a
- 13 song. I know that you have heard poems and stuff. I
- 14 wrote the song for Larry Gibson. And I want to give
- 15 this song to -- in addition to him, to Frieda
- 16 Williams, the people at Coal River Mountain Watch,
- 17 and all of you other people out there who really,
- 18 really, believe that we are the keepers of our
- 19 mountains.
- 20 And now, since you people are here,
- 21 supposedly doing the job that Janet read -- or one of
- 22 the other ladies read -- that you are supposed to be
- 23 doing, you are the keepers of the mountains, too, and
- 24 this is a message that we the people have for the

1 industry, and anybody else who comes in here to rape

- 2 West Virginia.
- 3 "In southern West Virginia.
- 4 The place where I was born.
- 5 There's something evil happening.
- 6 There's something evil going on.
- 7 They are tearing up our mountains.
- 8 They are taking away our hills.
- 9 They are taking all of our homeland,
- 10 and making valley fields.
- 11 When will they stop this destruction?
- 12 Oh, when will they ever leave?
- Just go back to where they came from,
- let us live in our mountains
- and be free.
- We are the keepers of the mountains.
- 17 As Larry Gibson has said,
- 18 Love em, leave em, but I warn you,
- 19 Don't destroy them,
- or leave them for dead.
- 21 Cause we will hunt you down
- like outlaws.
- We will expose you for what you are.
- 24 Greedy, thieving murderers,

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1 who buy and sell our law-making liars.
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- Now the moral of my story,
- Just listen to what I say.
- 4 We will protect our home,
- 5 our mountains,
- 6 you can do the same,
- 7 or you had better stay away."
- 8 Thank you.
- 9 MR. CHAIRMAN: Sharon Murphy.
- 10 Then after Sharon it will be Maria
- 11 Pitzer.
- MS. MURPHY: Hello. My name is
- 13 Sharon Murphy, and I live in Scot Depot,
- 14 West Virginia.
- And I just wanted to say that I am from
- 16 a third generation of coal mining. Like my father
- 17 and grandfather, we had to go underground. Due to
- 18 education and technology, my job deals with computer
- 19 drafting.
- 20 With that job, I have worked for the
- 21 coal companies for about 14 years. In that time,
- 22 I worked mainly in the engineering department.
- I know firsthand that the coal industry
- 24 is the only one that is required to provide a service

1 long after they are through with their jobs. The

- 2 service is called reclamation. Something that we
- 3 have not heard much about here tonight.
- Before we get a permit approved, we have
- 5 to submit a permit application. In that application,
- 6 there is one thing called a Planting Plan, and that
- 7 must be approved by all State agencies.
- In that plan, it tells us what kind of
- 9 trees that we can plant, how many of these species we
- 10 must plant, what kind of grass mixture we must seed,
- 11 and et cetera.
- 12 Our water discharge is regulated through
- 13 anti-depth, and TMDL laws. Some of the most current
- 14 laws, are Contemporaneous Reclamation, that requires
- 15 us to reclaim closer to the actual mining, and that
- 16 in turn, decreases the amount of disturbed land, at
- 17 any one given time.
- 18 Our valley-fill sizes have been
- 19 decreased by more stringent AOC Standards, which is
- 20 Approximate Original Contour Standards. We must
- 21 comply with SMRCA regulations, which stands for
- 22 Surface Water Runoff Analysis. That means that there
- 23 cannot be more runoff during, or after that mining
- 24 process than what was recorded before that mining

- 1 began.
- With these many facts and all of the
- 3 State and Federal regulatory agencies that monitor us
- 4 every day, how can the people here assume that we are
- 5 not environmentally safe.
- 6 One other thing I would like to state is
- 7 that I currently live in Putnam County. I have only
- 8 been there four years. I was born and raised in
- 9 southern West Virginia, and I know firsthand about
- 10 the rugged terrain. I know about the brush, I know
- 11 about the briar thickets that are there.
- 12 I witnessed a surface mine that came
- 13 into our area, they created jobs, they told us we had
- 14 30 years of mining there, but because of your-all's
- 15 regulations, and because the small profit margins
- 16 that company made, I was laid off after three years.
- I had to pull my kids out of that
- 18 community, start them in a new school, and start a
- 19 new life in this Putnam County.
- Yes, it was hard to leave my family, but
- 21 I didn't have a choice. But you know what? We
- 22 should never sacrifice environmental safety for
- 23 economic growth.
- I go back and visit my family every

- 1 chance I get. They are an hour and a half from
- 2 Charleston, over an hour from Huntington, and there
- 3 is nothing there for recreation except that surface
- 4 mine that was left.
- 5 Today there has been people who have
- 6 purchased land on that surface mine from that coal
- 7 company. They have built homes, pasture fields full
- 8 of cattle, full of horses. We ride 4-wheelers. I
- 9 horseback ride on the hollows, every chance I get.
- 10 We snow sleigh ride in the wintertime.
- Now, that is the devastation that these
- 12 people want you to feel like that we are doing.
- I am here to say that I want to work. I
- 14 want to provide for my family, and I want to continue
- 15 to live in this state. That is all I ask you all to
- 16 give.
- I help pay the taxes that give you
- 18 your-all's jobs, base those jobs on facts and
- 19 statistics, and not the emotion that is out there in
- 20 this room tonight.
- 21 That is all I am asking.
- Thank you for your time.
- 23 MR. CHAIRMAN: Maria Pitzer.
- Then after Maria, will be John Barrett.

1 MS. PITZER: Sharon, you need to come to

- 2 my house.
- 3 My name is Maria Pitzer. I am from
- 4 Boone County, West Virginia.
- I have two children, a 12-year-old boy,
- 6 and a 9-year-old girl.
- 7 MR. CHAIRMAN: Please speak into the
- 8 mic.
- 9 MS. PITZER: We are from Bob White in
- 10 Boone County, West Virginia. I have two children, a
- 11 9-year old girl, and a 12-year-old boy.
- 12 We are against mountaintop removal. We
- 13 are a family that lives in the constant shadows of
- 14 mountaintop removal valley fills and slurry ponds.
- The mining around us has destroyed our
- 16 quality of life. The blasting from the mines is a
- 17 constant reminder of why our lives have changed so
- 18 much. My children are not allowed to play in the
- 19 water that runs through our property, because the
- 20 pond is running straight into it.
- 21 The aquatic life in this stream is all
- 22 but gone. Catching fish -- or catching bait, or
- 23 fishing, is a waste of time. Now there isn't
- 24 anything to catch.

1 Who can say with the upmost certainty

- 2 that this will not endanger my children' health?
- 3 You, the panel of people that say that what the mine
- 4 companies are doing is okay? You have not yet been a
- 5 trustworthy source, at all.
- I have lived on this same property for
- 7 35 years, in the same town, with the same people.
- 8 And they are all saying the same thing, mountaintop
- 9 removal is going to run us out.
- We were flooded in 2001, three times.
- 11 In 2002, we were flooded again.
- In 2003, we were flooded horribly.
- The storms was what the mine companies
- 14 called once in a 100-year of storms. I heard it was
- 15 an act of God. That is like saying that the Buffalo
- 16 Flood was an act of God.
- I remember when I was a child, it rained
- 18 until I was running in water to my knees in the same
- 19 yard that washed in. The very, identical, same yard,
- 20 35 years ago. Same amount of water.
- 21 Why didn't these catastrophic floods
- 22 happen then? Why are they happening now?
- 23 Mountaintop removal is why.
- 24 If you poured water onto a rock, it is

1 going to roll off. If you pour it into dirt, it is

- 2 going to absorb. Common sense tells me that.
- 3 The flood on June 16th, ruined our
- 4 life. The rains came down the hollow, coming through
- 5 our property. It rose so fast that we didn't have a
- 6 chance to get away from it. We were trapped in every
- 7 direction.
- 8 The river running by me was still clear
- 9 and the hollow washing into this river was raging.
- 10 I was being flooded by a stream that
- 11 three years ago, before this stripping started, I
- 12 could step over.
- 13 Within three hours after it started
- 14 raining, I had lost everything that I had. The mud
- 15 slide tore through my barn, my orchard of fruit
- 16 trees, with one of my dogs tide out. The water and
- 17 mud came so fast, that I didn't get a chance to get
- 18 my dogs out. My dog, of eight years, died. A
- 19 horrible death, might I add.
- 20 As the water continued down and filled
- 21 five-foot culvert that had just recently been put in
- 22 in 2001, this was in there from 1981, until 2001, a
- 23 three-foot culvert. When we replaced it, we replaced
- 24 it with a five-foot culvert thinking that this would

- 1 help.
- 2 The mud slide came in, it plugged up the
- 3 five-foot culvert, and the water washed around the
- 4 five-foot culvert. It took out my septic system, it
- 5 took out my access, it took out my water, it took my
- 6 yard, it took my driveway; it took everything.
- 7 Okay. It did stop 20-feet short of my
- 8 house. I have sinkholes around my house that you
- 9 could fit a 50-gallon barrel down in.
- 10 As of right now, my house is okay. My
- 11 home, when I look out my window, it is destroyed.
- Our life, as we have always known it, is
- 13 now nonexistent. Hikes through our own property, is
- 14 now unsafe, due to the mining breaks, and slides,
- 15 coming in behind us.
- 16 The heritage that I had grown up
- 17 knowing, will no longer be passed on. It is not
- 18 there to pass on; it is being destroyed with each
- 19 blast.
- 20 Everyone who has had a hand in allowing
- 21 this mine practice to continue is guilty of allowing
- 22 the heritage of the people of the State of West
- 23 Virginia to be just wiped out, faded away. If that
- 24 is okay with you. That is not okay with me by no

- 1 means.
- 2 I am of Cherokee nationality, and we
- 3 have always been taught to live off of the land.
- 4 MR. CHAIRMAN: You are out of time.
- 5 MS. PITZER: Okay. I have one more
- 6 statement: If you can sleep with yourselves, then I
- 7 ain't got no choice but to stay up with the storm, do
- 8 I?
- 9 Thank you for destroying mine and my
- 10 children's life.
- 11 MR. CHAIRMAN: John Barrett. Then after
- 12 John will be Lisa Millimet.
- 13 MR. BARRETT: Thank you. My name is
- 14 John Barrett, and I am a lawyer here in Charleston
- 15 and I am with the Appalachian Center for the Economy
- 16 and the Environment, and I am making this statement
- 17 on behalf of the Center.
- When we settled the Bragg case in 1998,
- 19 the Federal agencies promised to perform a
- 20 comprehensive EIS, that would show the environmental
- 21 and economic impact of MTR, and propose alternatives
- 22 to MTR.
- 23 Incredibly, nearly five years later, the
- 24 agencies have produced a draft document that

1 demonstrates the devastating environmental impacts of

- 2 mountaintop removal, while simultaneously proposing
- 3 to make permits for these mines easier to receive.
- 4 These agencies appear to be operating in
- 5 an environment where they believe they are beyond
- 6 accountability.
- 7 The draft EIS audaciously tells us that
- 8 down is up, and up is down, and dares the public to
- 9 challenge them.
- 10 The Bush Administration has done its
- 11 best to undermine the good science and economic
- 12 analysis that was performed by scientists and
- 13 economists.
- 14 When the Clinton Administration started
- 15 the EIS process, it was by no means slanted towards
- 16 environmental interests.
- 17 Indeed, many in the environment of the
- 18 community did not want to settle the Bragg lawsuit,
- 19 because they didn't trust the Clinton Administration
- 20 to stand up to the coal industry in West Virginia.
- 21 Little did we know then just how bold
- 22 the Bush Administration would be in its attempt to
- 23 warp the scientific and economic analysis in favor of
- 24 the coal industry.

- 1 A draft EIS is a dishonest document.
- 2 Those who wrote it are motivated not by science, or
- 3 the desire to complete a thorough economic analysis
- 4 of MTR. Instead, they are motivated by the coal
- 5 industry.
- 6 For instance, we understand that Steven
- 7 Guiles, Deputy Secretary of the Department of the
- 8 Interior, played a significant role in the design of
- 9 the document.
- 10 Mr. Guiles is a former, and no doubt
- 11 future, coal industry lobbyist. He should have
- 12 recused himself from the process based upon its
- 13 conflict of interest.
- 14 We move beyond the point where the
- 15 administration is influenced by coal industry
- 16 lobbyists. The Bush Administration coal regulators
- 17 are the coal industry.
- The destructive effects of mountaintop
- 19 removal coal mining are well documented in the over
- 20 30 scientific studies contained in the draft EIS.
- 21 So, it is astounding that the draft EIS
- 22 proposes not only to allow more of this destruction,
- 23 but also to make it easier for the coal industry to
- 24 continue to destroy the environment, and the economy

- 1 of central Appalachian.
- 2 The draft EIS misrepresents the adverse
- 3 economic impacts, the environmental impact, of a
- 4 mountaintop removal operation. Attempts to skirt the
- 5 clear requirements of NEPA, and willfully excludes
- 6 and ignores the economic evidence that support
- 7 stricter environmental controls.
- 8 The studies clearly demonstrate that
- 9 mountaintop removal valley-fill coal mining is
- 10 already caused extensive ecological harm.
- 11 A few of these harms include impacts to
- 12 an estimated 11.5 percent of the region's forests,
- 13 which are the most diverse and valuable hardwood
- 14 forests in the world.
- 15 Fundamental damage to the terrestrial
- 16 environment that would prohibit the growth of mature
- 17 forests for 100 years, or more.
- Buried or damaged over 1,200 miles of
- 19 streams.
- 20 MTR operations spew selenium into the
- 21 region's rivers and streams at toxic levels.
- 22 MTR causes headwater streams to lose
- 23 their abilities to maintain their nutrient cycling.
- 24 MTR adversely impacts the total aquatic,

- 1 genetic diversity of the nation.
- 2 MTR harms 244 vertebrate-wildlife
- 3 species due to loss of forests.
- 4 MTR causes ecologically significant loss
- 5 of breeding habitats for three-fourths of the
- 6 interior bird species.
- 7 MTR increases the severity of dangerous
- 8 flooding that would damage personal property and
- 9 communities downstream from mountaintop removal coal
- 10 mining.
- 11 These facts substantiate what citizens
- 12 have long known mountaintop removal coal mining is
- 13 devastating to the environment, and to the
- 14 communities in the coal fields.
- I am running out of time.
- 16 The document violates NEPA. The EIS
- 17 does not include a reasonable range of alternatives.
- 18 NEPA requires that an EIS rigorously explore, and
- 19 objectively evaluate, all reasonable alternatives.
- In addition, the EIS does not present
- 21 valid reasons for the elimination of proposed
- 22 alternatives from detailed analysis.
- The EIS assumes that changing the stream
- 24 buffer-zone rule is part of even the "No Action"

1 Alternative. The EIS fails to address, or remedy

- 2 violations of the Clean Water Act.
- 3 The EIS must remedy violations for
- 4 selenium pollution.
- 5 The EIS cannot legally adopt any
- 6 alternative that would allow the use of nationwide
- 7 permits.
- 8 Thank you.
- 9 MR. CHAIRMAN: You are out of time, sir.
- 10 MR. BARRETT: Thank you.
- 11 MR. CHAIRMAN: Next speaker is Lisa
- 12 Millimet. And then the following speaker after that
- 13 would be Bill McCabe.
- MS. MILLIMET: Good evening. I didn't
- 15 mean to speak here. I didn't even mean to come here
- 16 tonight. I am visiting a friend in Sutton.
- 17 My name is Lisa Millimet, and I am a
- 18 filmmaker, and a writer, and a documentarian from New
- 19 Hampshire.
- I just want to say thank God for the
- 21 emotion in this room.
- 22 I think everybody sitting out here knows
- 23 that this could never happen in a town like I come
- 24 from.

1 You all would have been run out on a

- 2 rail. You would never have been allowed into my
- 3 town.
- 4 Because I live in a town with money, and
- 5 so-called education, and no history of exploitation.
- 6 And I thank the people all in these seats, and I give
- 7 you my incredible and full respect and empathy.
- 8 Know that this is because West Virginia
- 9 has been being raped for over 100 years. If you
- 10 study the history of West Virginia, you will
- 11 understand that.
- 12 I live in the town Leonard Bernstein
- 13 wrote "Westside Story" in, and a playwright wrote
- 14 "Our Town" about George Wilder.
- 15 It is a rich town. It is a town where
- 16 people are educated and have organic food. West
- 17 Virginia's so-called poor, and ignorant.
- 18 But I will tell you, I have been coming
- 19 to this state for 35 years, and the finest people
- 20 that I have ever met have been in West Virginia.
- 21 I have been writing a book about West
- 22 Virginia and the last of the old-time mountain people
- 23 for 8 years, and it is going to be published next
- 24 year. And I made a short documentary for Larry

- 1 Gibson about mountaintop removal.
- 2 I was run off and threatened with my
- 3 life on that mountain, and I was run off at 70 miles
- 4 an hour, doan 11 miles of a mountain. And it has
- 5 effectively ended that documentary. Because, I don't
- 6 want to die for this, to tell you the truth.
- 7 I will just say that in my travels
- 8 around the states in my 35 years, in my documentary
- 9 work in this wonderful state, almost invariably
- 10 everyone has told me, all of the people in the
- 11 hollows, the mountains, the cities and the towns,
- 12 that they are against mountaintop removal.
- 13 The thing that I noticed that I want to
- 14 share with all of you, whether you have any power or
- 15 not, I want it said for the record, that like the
- 16 Vietnam War, and so many people from West Virginia,
- 17 were valiant to fight in that war. But like that
- 18 war, this will be stopped.
- 19 And it is not because of the emotion
- 20 only, it is because that is what happens. That is
- 21 what happens when people are exploited. You can only
- 22 keep them down so long.
- 23 And it is not a question of religion, or
- 24 my opinions, that is what happens.

1 The people will rise up, many of these

- 2 mountains will be gone, many of the people in this
- 3 room will be dead by the time it is stopped, but it
- 4 will stop. And you would be wise, you would be wise
- 5 to pay attention to the people that I hear in and out
- 6 of this state.
- 7 I have shown my film around the country,
- 8 and there will be critical mass at some point.
- 9 It is money. It is business, as usual,
- 10 and it is disgusting.
- 11 MR. CHAIRMAN: Bill McCabe.
- 12 MR. McCABE: I am Bill McCabe. I am the
- 13 Appalachian organizer for Citizens Coal Council, and
- 14 I am speaking for Citizens Coal Council, at least the
- 15 initial part of my remarks.
- I was talking with a fellow the other
- 17 day in Kentucky, who made a comment that really
- 18 struck home to me. He said, it doesn't seem to
- 19 matter what we expect from the Government, they
- 20 successfully score beneath our expectations.
- 21 Congratulations, you all have done it
- 22 again.
- The CCC leaders, and our membership
- 24 groups, were not naive enough to hope that the draft

1 EIS would tell the truth, that mountaintop removal

- 2 and valley fill is simply too destructive to be
- 3 allowed to be considered a responsible way to mine.
- It may be the cheapest for the
- 5 companies, but it is environmentally, socially,
- 6 psychologically, and, yes, economically -- it is
- 7 simply too expensive to allow it to continue.
- 8 Even though CCC never expected a
- 9 truthful analysis, we were enough of Americans, and
- 10 probably naive enough to believe that we could trust
- 11 our government when they negotiated with us. When
- 12 they promised to conduct a study that would be
- 13 thorough and effective. When they negotiated and
- 14 promised that the studies would look at ways to
- 15 reduce the damage.
- 16 Again, you underachieved.
- Your research was so contradictory to
- 18 President Bush's agenda, or probably to Bill Rainey,
- 19 and the economists agenda, that some of the most
- 20 important fact sources and analysis were simply
- 21 ignored.
- I apologize, one of the advantages of
- 23 being last is that you are going to expect some
- 24 applause because you are last, and people get to go

- 1 home, but the disadvantage of going last is that many
- 2 of the comments that you worked hard to make, have
- 3 already been made. It just points out the importance
- 4 of these comments.
- 5 It is simply beyond my comprehension how
- 6 a group of highly paid bureaucrats can write a report
- 7 that simply does not have any logic to it.
- 8 Your science says one thing, and your
- 9 conclusions say another. Well, I am not sure for CCC
- 10 and our member groups why we bother. Probably
- 11 because we are organizers and eternal optimists. So
- 12 I would simply suggest a fourth option.
- 13 That option is to enforce the laws that
- 14 have existed for 25 years. Strictly enforce the
- 15 laws, and if you do that, there will be no
- 16 mountaintop removal, because it will be too expensive
- 17 to use that method.
- 18 The remainder of my time I would like to
- 19 use to speak individually, and have that reflected.
- 20 A lot of my family has been in West
- 21 Virginia -- as many people have mentioned -- a long
- 22 time.
- 23 Growing up, I had the privilege to
- 24 travel the country, and whether it was California, or

1 New York, or South Carolina, I was always the poor,

- 2 dumbass hillbilly, because I was from West Virginia.
- But being stubborn, that didn't bother
- 4 me. I have always been proud to be a West Virginian.
- 5 I have always been proud to be from the mountains of
- 6 Appalachia. But never, never, have I been so proud
- 7 of so many people who spoke so eloquently and so
- 8 bravely against this horrible bunch of crap.
- 9 Thank you.
- 10 MR. CHAIRMAN: I would like to thank
- 11 each of you for coming this evening and presenting
- 12 your comments.
- I have no more cards, no more speakers.
- But if you do have comments that you
- 15 would like to make, remember we have the comment box
- 16 out back. The written comment period does not close
- 17 until August 29th. So you will still have time to
- 18 submit those if you like.
- 19 Thank you all for coming this evening.
- 20 Please be careful going home.
- 21 Thank you.
- 22 (Public hearing concluded.)

23

1	STATE OF WEST VIRGINIA, To-wit:
2	I, Michele G. Hankins, a Notary Public and
3	Court Reporter within and for the State aforesaid, do
4	hereby certify that the hearing was taken by me and
5	before me at the time and place specified in the
6	caption hereof.
7	I do further certify that the hearing was
8	correctly taken by me in stenotype notes, that the
9	same was accurately transcribed out in full and
10	reduced to typewriting, and that said transcript is a
11	true record of the testimony.
12	I further certify that I am neither attorney
13	or counsel for, nor related to or employed by, any of
14	the parties to the action in which these proceedings
15	were had, and further I am not a relative or employee
16	of any attorney or counsel employed by the parties
17	hereto or financially interested in the action.
18	My commission expires the 29th day of December
19	2003.
20	Given under my hand and seal this 28th day of
21	August.
22	
23	Michele G. Hankins Notary Public

Court Reporter